

BOARD OF ADJUSTMENT  
MINUTES of Meeting No. 247  
Thursday, November 3, 1977, 1:30 p.m.  
Langenheim Auditorium, City Hall  
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Guerrero (out at 7:00 p.m.) Smith (in at 1:33 p.m.) Walden Purser, Chairman	Jolly	Edwards Gardner Jones Dyer, Mrs.	Pauling, Legal Dept. Miller, Mrs., Building Inspector Dept.

The notices of said meeting were posted in the Office of the City Auditor, 9th floor, Room 919, City Hall, Tulsa, Oklahoma, on November 1, 1977, at 1:15 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 1:30 p.m. and declared a quorum present.

MINUTES:

On MOTION of GUERRERO, the Board 3-0 (Guerrero, Walden and Purser "aye"; Smith and Jolly "absent") approved the Minutes of October 6, 1977 (No. 245).

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 from an RS-3 District; and a Variance (Section 410 - Principal Uses Permitted in Residential Districts - Under the Provisions of Section 1670 - to permit parking trucks overnight on property used by tenants located at 8200 South Union Avenue.

Presentation:

Mr. Charles Sublett, representing the tenants, advised that there are two rent houses on the property, being occupied by the tenants and they are requesting to park their trucks overnight on the subject property. Mr. Sublett stated that the trucks are used for the hauling of gasoline and other related products, and submitted a photo (Exhibit "A-1") showing the type truck being used by the tenants. Mr. Sublett advised that the two tenants moved to Tulsa from Cushing to be closer to their job and are requesting the variance be permitted for a year. He stated that the property has several oil wells and storage tanks located on it and if the variance is approved, it would not interfere with the property because it is not suitable for residential use. He further stated that the property is abutted by a City landfill on the south and the oil storage tanks are approximately 100' from the two residents. Mr. Sublett stated that there

9670 (continued)

will be no other parking of trucks, except those two belonging to the tenants occupying the two rent houses and only on a temporary basis. He further stated that the trucks can not be left at the job site for fear that they might be stolen or vandalized, but if they are permitted to park the trucks overnight on the subject property they can more easily be watched.

Protests: None.

Board Action:

On MOTION of SMITH, the Board 4-0 (Guerrero, Smith, Walden and Purser "aye", Jolly "absent") upheld an Appeal (Section 1650 - Appeals from the Building Inspector) to immediately stop trucking from an RS-3 District; and approved a Variance (Section 410 - Principal Uses Permitted in Residential Districts - Under the Provisions of Section 1670) to permit parking trucks overnight on property used by the tenants, for one year from this date on the following described tract:

The East 2.5 acres of Lot 15, Ross Homesite Addition to the City of Tulsa, Oklahoma.

9705

Action Requested:

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

Presentation:

Edythe Coats, 561 South Maplewood Avenue applied to build a carport on the north side of her home. Mrs. Coats advised that she would like her carport to be 24' x 30' which will cause an eave overhang of one and one-half feet over the City right-of-way on the north-west corner of her home. Mrs. Coats submitted a plot plan (Exhibit "B-1") showing the proposed location of the carport. She stated that the concrete slab already exists and does collect ice and snow in the winter and a carport would protect her as well as her car. Mrs. Coats further advised that if the overhang on the property line is not permitted she would agree to the carport being 24' x 28', but there is 3' of stairs as you exit the doorway on the west side of the house, that the 30' in depth would prevent the snow from blowing in.

Mr. David Pauling, Legal Department, stated that the Board could not permit the carport with an overhang on the City right-of-way.

Protests: None.

Board Action:

On MOTION of SMITH, the Board 4-0 (Guerrero, Smith, Walden and Purser "aye", Jolly "absent") approved an Exception (Section 240.2 (h) - Permitted Yard Obstructions - Under the Provisions of Section 1680 - Exceptions) to erect a carport into the required side yard subject

to the carport being 28' in depth which would be inside of the property line and no closing in on either side of the carport (east or west) extending beyond the established building setback line on the following described tract:

Lot 14, Block 1, Glen Haven Addition to the City of Tulsa, Oklahoma.

Action Requested:

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

Presentation:

Charles Norman, attorney, representing the property sellers and the property buyers, advised that Mr. Hardesty, the property owner, is proposing to sell the subject property formerly the McBirney Mansion, to be used as attorneys' offices. Mr. Norman stated that the subject property is an historical landmark located on three and three-fourths acres on Riverside Drive, between Galveston and Houston Avenues. Mr. Norman stated that the property is presently being used as a residence and contains 12,000 square feet of floor space and has an elevator and a four car detached garage. He further stated that the application was for a variance to permit the home to be used for law offices and the structure would remain as is and no changes would occur that would change the outside appearance of the Mansion. Mr. Norman displayed an area map showing the McBirney Mansion in addition to the surrounding residences advising that the area also consisted of apartments and offices as well as residences. The majority of the area is zoned RM-2 apartments, including the subject tract. He advised that they requested a variance because it would permit adaptive use of the property to an office use only, since the building has been officially recognized as an historical building. He submitted photos (Exhibit "C-1") showing different views and surrounding area of the McBirney Mansion. Mr. Norman informed the Board of the dense shrubbery surrounding the subject property, advising that it would be difficult to see the property, and especially during the summer. Mr. Norman stated that he had met with the Staff of the Planning Commission, other interested persons and also the area residents, to discuss the project and their principal concern with the parking and they have agreed to not exceed 20 parking spaces. Mr. Norman stated that a committee of the area residents was selected to visit the location and try to establish a more feasible and appropriate place for parking, if the application is approved. Mr. Norman further advised that the original application included the lot at the southwest corner of 14th and Galveston Avenue which was to be used for 17 parking spaces. He stated that they were withdrawing that portion of the application and were relocating the parking. Mr. Norman submitted a revised plan (Exhibit "C-2") showing the proposed parking and stated that he has amended the development standards to be more acceptable to the interested

parties. He advised that there will be no exterior modifications to the existing residential structure without approval of the Board, and the existing garage apartments possibly will be rented as residences. Mr. Norman advised that while the premises are occupied as law offices, nothing else will be constructed or changed except maybe interior door enclosures and more lighting and it will be of the same type lighting that is presently in the home. He advised that there will be two signs, not more than 16' (4' x 4') in area, that may be located at Galveston and Houston driveway entrances to the property with information only about the law offices. One additional sign not exceeding 8 square feet located on Galveston, the main entrance of the building, with information concerning the history of the building.

Mr. Norman submitted a booklet (Exhibit "C-3") on historic houses or landmark homes in Oklahoma and stated that the attorneys intend to preserve the property as a national historic place and maintain it in the same condition. Mr. Norman noted the hardship was somewhat related to the historical place in the area, noting that no changes in the property will take place to change the structure interior or exterior, except for interior doors and additional lighting and of the same type that is in at present. Mr. Norman submitted a maintenance cost (Exhibit "C-4") for one year, advising that the upkeep of the property is too expensive to maintain as a single-family residence. He pointed out that a total of 236 light bulbs costing \$496.00 were necessary to maintain the residence for one year, and the total maintenance cost for last year was nearly \$30,000. Mr. Norman also submitted to the Board a building and yard maintenance cost (Exhibit "C-5") advising that the total cost per year to maintain property as an office is estimated at \$77,300.00. Mr. Norman stated that they will make offices out of the bedrooms that are best suited for office areas. The staff of five attorneys will also make use of the existing kitchen. He stated that office space can be made to accommodate eight attorneys. Mr. Norman noted that very little remodeling will be made, except for doorways to enclose the open space. He stated that the bedrooms are properly sized for office use. Mr. Norman submitted amended development standards (Exhibit "C-6") which shall apply to the use of the James H. McBirney residence for law offices. Mr. Norman asked the Board to consider the application with the development standards submitted, and a number 6 being added that no other lots can be sold from the site as long as the property is used as law offices, and agreed to submit a detailed landscape plan for the area prior to its use and present a detailed landscape of the parking lot prior to the occupancy of the building. Mr. Norman advised that his clients have agreed not to change the structure of the Mansion, except a few minor changes inside. He further stated the home has been restored and renovated by Mr. Hardesty and asked the Board to allow the use of the residence as law offices, preserving the historical aspects for the interest and use of his clients.

Dr. Cheek, Archaeological Research of Oklahoma, stated that she could see no reason why the residence could not be used as law offices. These types of properties with national historical significance can be changed or adapted to alter uses when the original use is no longer feasible to maintain. She added she would like to see easements of historical preservation on the property and saw no objections to adapting the subject property to offices since there will be no exterior alterations to the building.

Protests: Approximately 20 present.

Neil Bogan, attorney, representing 25 homeowners and residents in the area surrounding the estate, submitted a protest petition (Exhibit "C-7") with 122 signatures. Mr. Bogan stated that his interpretation of the Code is that, in order that a variance be granted, an unnecessary hardship must be shown and not be a detriment to the public. He further stated that he felt to allow the single-family residence to be used commercially is a detriment and a violation of the Code and no unnecessary hardship is shown. Mr. Bogan quoted Mr. Norman as stating that the property is unlikely to be continued to be used as a single-family residence. Mr. Bogan advised that the property has been maintained as a single-family residence and asked the Board to view the property in light of its use for the past fifty years. He advised that the property can be purchased as a single-family residence. The Board should realize that there is interest in the property for a single-family residence, and there are many homes equal to the McBirney Mansion in the area that are still maintained as single-family residences and it too can be sold and maintained as a single-family residence. Mr. Bogan submitted several photos (Exhibit "C-8") of residences in the vicinity of the James McBirney Mansion that are still being maintained as single-family residences. He advised that the Olympia Apartments serve as a buffer to the office fronting on Riverside Drive and if a variance is granted for office purposes, the offices will extend into the residential area for a block. He added that he was of the understanding that the Zoning Code's intent was to avoid encroachment and protect residential development and the use of the subject property for office purposes does not protect the other residential homes. He stated that no hardship has been given and the subject property can remain as single-family residential use because Mr. Hardesty has signed a back-up contract, and that contract is for a single-family residence. Mr. Bogan stated that a facade easement has been offered by the holder of the back-up contract.

Tony Bates, 616 West 13th Street, advised that he has resided in the area for five years and has spent a lot of money on his home, stating he was personally concerned. He feels that this will create a traffic problem and they already have a traffic problem due to the Crosstown Expressway, and if granted, will further add to the traffic congestion. He expressed concern that one of the attorneys that will occupy an office is involved in criminal practice, of which Mr. Bates also objects. He read a letter from the Campbell sisters who reside to the east of the McBirney Mansion, objecting to an office use of the residence fearing this would invite other commercial businesses in the area.

Mr. Billings, 1405 South Galveston Avenue, stated that since he has resided in the area, they have had prowlers and have been forced to seek the aid of law enforcement to clear the street of dope addicts and was relieved by the installation of the street light and stated that by installing lights in the parking lot, not exceeding 5', will not camouflage the situation. He further stated that parking lots are gathering places for night prowlers. He added that he purchased his property for residential use and intended that it remain residential. Mr. Billings advised that he received an offer to sell his home for between \$75,000 and \$100,000 but he was not interested in selling his property. He felt the parking lot will decrease his property from 20 to 30 percent and felt it would do likewise to other homes in the area. Mr. Billings stated if the subject property is allowed to be used commercially, it would aid in establishing the area as business use and added that one's home is his most prized possession, other than his family, and asked that the variance not be allowed.

Warren Young, 640 West 14th Street, advised that he is an attorney and resides next door to the McBirney home and he feared flooding. He stated that his back and side yard is lower than the other areas, which means he could have a substantial amount of drainage from the parking lot that could cause his basement to flood. Mr. Young advised that from a drainage standpoint, the parking lot is very undesirable and he does not approve. Mr. Young further made mention of the invasion of his privacy. He stated that his bedroom is upstairs and when he looks outside, he will see parked cars and at present the home provides a residential atmosphere. He further stated that there are residents who have lived in the area for many years and probably will reside there the rest of their lives, and he did not feel they should be forced to live in the area with a partially commercial atmosphere. Mr. Young added that the Spotlight Theater is a cultural type business and is not in keeping with office use. Mr. Young noted that the only downtown entrance is Houston or Denver and as a result, they already have a traffic problem and do not need additional cars using the residential area. He advised that the area residents do not wish to see the house used for other than a single-family residence. Mr. Young stated that the maintenance cost or upkeep submitted by Mr. Norman will not be that great because of the present condition of the home. However, a considerable amount of work has gone into the property to maintain it and the cost given is not the cost to maintain the house in its condition today. Mr. Young questioned Mr. Hardesty's purchase of another large home which netted two times the amount of the McBirney Mansion, if the upkeep and maintenance cost of the subject property is beyond maintaining as a single-family residence.

Linda Parks, 1323 East 29th Street, stated that she does have a back-up contract to purchase the property. She advised that she selected the subject property as her future home because of its size and is near the downtown area and the location also enables her to have access to many facilities. Mrs. Parks informed that she does have a large family and the subject property would make an ideal residence. She added that Mr. Hardesty suggested the back-up contract. Mrs. Parks stated that she had contacted all utility companies concerning

the highs and lows of the utility bills and no price given at peak month was as high as shown on the report submitted by Mr. Norman. Mrs. Parks further advised that she is presently living in a home of 7,000 square feet and the cost to maintain the subject property would be less, because of the thickness of the walls and being an older home, it is better insulated and constructed. Mrs. Parks stated that she was concerned about the McBirney Mansion and would like to see preservation easements established in order to assure preservation of the house. She further stated that Mr. Hardesty holds her contract as a back-up contract in addition to her earnest money.

Bob Hardy, 1322 South Galveston Avenue, advised that he resides in the area and is proud of their residence and would like the area to remain residential. Mr. Hardy informed that he is not subject to a transfer from his job, therefore, he intends to remain in the neighborhood. Mr. Hardy submitted a list of offers (Exhibit "C-9") of those proposing to buy the subject property for use of a single-family residence, which he felt supported their belief that the subject property can be maintained as a residence. He submitted a communication (Exhibit "C-10") from Ted Sherwood Realtors, advising that the home is listed as a National Landmark and if the property was properly exposed, it would sell as a private residence and felt the property should be maintained as a single-family residence and any change in the house would be a detriment to the neighborhood. Mr. Hardy submitted an additional communication (Exhibit "C-11") opposing the change in use other than single-family, stating that the change will be most detrimental to the home and to the entire neighborhood. Mr. Hardesty informed the Board that the area is occupied by single-family residents, except for a small portion and the Parks' family plans to occupy the home as single-family and had agreed to a 30-year easement that no alteration would be done to the outside structure other than the necessities to maintain the upkeep of the home. Mr. Hardy showed slides of different residences in the area of the James McBirney Mansion and advised that with the exception of homes in need of being restored, the area is an area of attractive homes and of sound structures. Mr. Hardy stated that there are vacant zoned areas in the Riverview area that can be purchased to build offices or apartments and asked the Board to allow the subject property to remain residential.

Interested Parties:

James Roop, 1632 South Denver Avenue, advised that he has lived in the area for five and one-half years and is a member of the District 7 Planning Team and he has no objections to the variance being granted for use of the subject property as law offices. Mr. Roop advised that he is in favor of the application.

Jack Howell, 1406 South Houston Avenue, advised that he resides to the west of the McBirney residence and is not opposed to the use of the residence as law offices if the property is to remain as is, and he felt the attorneys would maintain the property in its present state. Mr. Howell stated that he does not foresee a traffic problem

because there is not much traffic to attorney offices. He further advised that the attorneys have vowed that they would make every effort to maintain the property as is and the proposed parking at 14th Street and Galveston Avenue will not now be a parking lot and the drainage situation can be solved. Mr. Howell further stated that he agreed that the Hardesty home is an historical landmark and the home will be maintained as such by the attorneys. He added that if the property is allowed to be used as law offices, it would not be detrimental to the neighborhood and he was in favor of the subject property being used as law offices.

Mrs. Pidgion advised that her home is located in the 1300 Block on South Houston and she has had it up for sale and has been unable to sell it because of the large amount of traffic and felt that if the subject property was allowed to be used as a law office, possibly it would help the sale of her home. She said she had no objections to the subject property being used as presented.

The Staff submitted a communication (Exhibit "C-12") from the Maple Ridge Association, advising that the subject property is a national landmark with the National Park Service and firmly protest the request for a variance to allow the single-family dwelling to be converted into a commercial building.

The Chairman informed the Board of a memo (Exhibit "C-13") from Long Range Planning Staff of the TMAPC which the Board reviewed.

Board Action:

On MOTION of SMITH, the Board 4-0 (Guerrero, Smith, Walden and Purser "aye", Jolly "absent") approved a Variance (Section 410 - Principal Uses Permitted in Residential Districts - Under the Provisions of Section 1760) to permit professional office in an existing residence, in an RM-2 District subject to the plot plan presented with the following modifications to Mr. Norman's listed Development Standards, that under Item 4, there will be two professional office signs, unlighted and not more than 3' in height and not exceed 9 square feet in area, add a number 6, that none of the lots can be sold and separated from the site as long as the structure is used as law offices; number 7, detailed landscape plans be presented to and approved by the Board of Adjustment, prior to any occupancy of the facility, and; number 8, if drainage problems will occur as a result of the parking areas in accordance with the submitted plan, it be resolved prior to construction of those improvements, and as presented by the applicant on the following described tract:

Lots 1 through 19, inclusive; and the South 30' of Lot 20, Block 12, of the Resubdivision of Blocks 4, 5, and 12 of Childers Heights Addition, and Blocks 1, 9, 10 and 14 of Norvell Park Addition to the City of Tulsa, Tulsa County, State of Oklahoma.



9713 (continued)

Board Member Walden, moved to amend the motion by adding a number 9, that the applicant pursue and accomplish the historical easement to preserve the subject property as an historical landmark, the easement being a 30-year easement regardless of the property owner. The easement would apply to preserve the property as an historical landmark.

Mr. Norman agreed to an Item Number 9, that a formal Restrictive Covenant Agreement be submitted to the Board for its approval, and the approval of the City Commission, prior to use of the property as law offices, so long as the subject property is used as law offices, preserving the subject property as an historical landmark.

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) to use property for a senior citizens home as an accessory use to a church located SE of 36th Street and Yale Avenue.

Presentation:

John Cassity, 5325 East 26th Place, requested a continuance of application #9724 advising that he had spoken with the protestants and they agreed.

Protests: 12 present.

The Chairman asked the protestants, if they were in agreement to the continuance of the subject application of which they agreed.

Board Action:

On MOTION of SMITH, the Board 4-0 (Guerrero, Smith, Walden and Purser "aye", Jolly "absent") continued application #9724 until January 5, 1978, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

NEW APPLICATIONS:

9717

Action Requested:

Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Under the Provisions of Section 1680) to locate a mobile home in an AG District located at 8120 South Garnett.

Presentation:

Ken Simmons, agent to Bill Jones, applied to locate a mobile home on the subject property, ½-mile south of 81st Street and Garnett Road on the west side of the road. Mr. Simmons advised that it will be approximately 250 yards south of 81st Street and Garnett Road for approximately one year, until Mr. Jones can build his home.

11.3.77:247(9)

9717 (continued)

Protests: None.

Board Action:

On MOTION of SMITH, the Board 4-0 (Guerrero, Smith, Walden, and Purser "aye", Jolly "absent") approved an Exception (Section 310-Principal Uses Permitted in the Agriculture District - Under the Provisions of Section 1680) to locate a mobile home in an AG District for a period of three years on the following described tract:

The South 660' of the North 1,415' of the East 1,320' of the NE/4, of Section 18, Township 18 North, Range 14 East, Tulsa County, Oklahoma.

9722

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 (2) - Home Occupations) to continue a home occupation as a mechanic working on automobiles in a 2,000 square foot garage in an RS-1 District located at 1929 South 85th East Ave.

Presentation:

The Staff advised that the applicant's attorney, Jeff Nix requested a continuance until November 17, due to a conflict of scheduling.

Protests: 5 present.

The Chairman advised the protestants that the attorney for the applicant was not present due to another engagement and the protestants would need to hear the applicant's presentation, and asked the protestants to return on the continuance date.

Board Action:

On MOTION of GUERRERO, the Board 4-0 (Guerrero, Smith, Walden and Purser "aye", Jolly "absent") continued application #9722 until November 17, 1977, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

9723

Action Requested:

Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1217 - Automotive and Allied Activities) to erect mini-storage units in a CS District; and an Exception (Section 250.3 (d) - Modification of Screening Wall or Fence Requirements) to remove the screening requirements where the purpose of the screening cannot be achieved in a CS District located south and east of 51st Street and Union Avenue.

Presentation:

Jim Henshaw applied to erect mini-storage units and remove the south screening wall, advising that the land use at present is a storage for bankruptcy cars awaiting sale. Mr. Henshaw stated that he is proposing to locate three mini-storage warehouse buildings on Block 3. The applicant submitted a plot plan (Exhibit "D-1") advising that the proposed warehouses will be of cement block with welded

9723 (continued)

steel roof and approximately 3,000 feet in each building. He also requested the removal of the south screening wall because the rear lot abuts I-44 and the service road from 75 that takes southbound traffic off Highway #75 to Union and westbound on I-44. He also advised that the land is 6' to 7' above the roadbed and feels that it serves no screening purpose. The applicant stated that he requested screening modifications on the south side only and would observe all other screening requirements.

Protests: None.

Board Action:

On MOTION of GUERRERO, the Board 4-0 (Guerrero, Smith, Walden and Purser "aye", Jolly "absent") approved an Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1217 - Automotive Allied Activities) to erect mini-storage units in a CS District; and an Exception (Section 250.3 (d) - Modification of the Screening Wall or Fence Requirements) to remove the screening requirements along the south boundary adjacent to the expressway, on the following described tract:

Lot 3, Cameron Cline Acres Addition to the City of Tulsa, Oklahoma.

9726

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 (6) - Mobile Homes) to locate a mobile home in an RM-2 District located at 1913 East Marshall Avenue.

Presentation:

Ellen Evans, 2624 South Vandalia Avenue, applied to locate a mobile home on the subject property as her residence. She advised the Board of other mobile homes in the area that abuts her property. Upon questioning by the Chairman, the applicant was aware of a bond being required.

Protests: None.

Board Action:

On MOTION of SMITH, the Board 4-0 (Guerrero, Smith, Walden and Purser "aye", Jolly "absent") approved an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 (6) - Mobile Homes) to locate a mobile home in an RM-2 District for a period of one year with removal bond required, on the following described tract:

Lot 16, Block 4, Berry Hart Addition to the City of Tulsa, Oklahoma.

9727

Action Requested:

Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1220 - Commercial Recreation: Intensive) to use property for commercial recreation (Dinner Theatre); to permit a 40' x 72' storage building in an AG District located at 8855 East 91st St.

Presentation:

George D. Condley, President of the Gaslight Dinner Theatre, Inc., advised that he has a 2.5-acre tract that he wishes to designate as a recreation use. He is bounded only by three neighbors, with a 160-acre tract to the south which is residential. To the north and east is a recreational area of 17 acres. He advised that there is 6' from the rear of the proposed storage building to the property line and 10' on the west side. Mr. Condley further stated that the storage building will be used for the storage of props, lumber and furniture for use of the Dinner Theatre.

Remarks:

Mr. Gardner of the TMAPC Staff, suggested that the Board limit approval of the request to the storage building and not permit all uses in Section 1220 as a matter of right.

Protests: None.

Board Action:

On MOTION of GUERRERO, the Board 4-0 (Guerrero, Smith, Walden and Purser "aye", Jolly "absent") approved an Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1220 - Commercial Recreation: Intensive) to use the property for commercial recreation (Dinner Theatre); to permit - 40' x 72' storage building as described, per plot plan submitted, and with the condition that the approval requested be limited to uses related to the Dinner Theatre use only, excluding all other commercial recreational uses in Section 1220, on the following described tract:

Beginning at the Southwest corner of said E/2 of the SE/4 of the SW/4 of Section 13, Township 18 North, Range 13 East, Tulsa County, Oklahoma; thence North along the West line thereof for 345'; thence East and parallel to the South line thereof for 230'; thence South and parallel to the West line thereof for 45'; thence East and parallel to the South line thereof for 100'; thence South and parallel to the West line thereof for 300' to a point on the South line thereof; thence West along the South line thereof for 330' to the point of beginning of said 2.51-acre tract of land.

9728

Action Requested:

Variance (Section 330 - Bulk and Area Requirements in the Agriculture District - Under the Provisions of Section 1630 - Minor Variances) of the bulk and area requirements in an AG District to permit a lot-split (L-14148) located SW of 84th Street and Harvard Avenue.

9728 (continued)

Presentation:

The applicant was not present. 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 (Guerrero, Smith, Walden and Purser "aye", Jolly "absent") approved a Variance (Section 330 - Bulk and Area Requirements in the Agriculture District - Under the Provisions of Section 1630 - Minor Variances) of the bulk and area requirements in an AG District to permit a lot-split (L-14148) located SW of 84th Street and Harvard Avenue on the following described tract:

Beginning 369.24' of the NE corner of the SE/4 of the NE/4 of Section 17, Township 18 North, Range 13 East, City of Tulsa, Oklahoma; thence South 256.61'; thence West 210'; thence North 259.1' to a point 365.3' South of the North line of the SE/4 of the NE/4; thence East 210.2' to the point of beginning.

9729

Action Requested:

Variance (Section 930 - Bulk and Area Requirements in the Industrial District - Under the Provisions of Section 1670) of the setback requirements from 100' to 85' from the centerline of Mingo; and a variance of the setback requirements from 75' to 70' on the west and 45' from the north from an R District, and an Exception (Section 250.3 (b) - Modification of the screening requirements in an IL District located on the NW corner of Mingo Road and 46th Street North.

Presentation:

Dale Pittman, 15504 East 94th Street North, Owasso, Oklahoma, applied for a waiver of 15' on the east property line. Mr. Pittman advised that most all of the surrounding property is zoned IL and to the west and north the property is vacant. The applicant submitted a plot plan (Exhibit "E-1") advising that the building will be setback 85' from the middle of Mingo Road, 70' from the west property line and 45' of the north property line. Mr. Pittman advised that the reason he is requesting the 15' waiver on Mingo Road is that the 70' in back is needed for the septic lateral lines, which have already been approved by the City-County Health Department. Upon questioning, the applicant advised that the property to the north and west is zoned residential, but is vacant and is planned for industrial. He advised that there is a service station to the north of the subject property that sets closer to the street than his building. Mr. Pittman requested screening modification on the RS-3 portion of the property. He advised that the property will be used for automotive repair and storage of cars with very little body work, mostly service work. Upon questioning, the applicant stated the proposed use is not a noisy operation and he has consulted with the officials of the School Board and they had no objections to the proposed operation.

Protests: None.

11.3.77:247(13)

Board Action:

On MOTION of SMITH, the Board 4-0 (Guerrero, Smith, Walden and Purser "aye", Jolly "absent") approved a Variance (Section 930 - Bulk and Area Requirements in the Industrial District - Under the Provisions of Section 1670) from 100' to 85' from the centerline of Mingo and from 75' to 70' on the west and from 75' to 45' on the north from an R District; and an Exception (Section 250.3 (b)-Modification of the Screening Requirements) subject to a screening fence being required on the south line of the property to screen the stored autos, except for the driveway openings, with the east end of the fence to terminate at the point where it aligns with the east side of Mingo School, on the following described tract:

The South 129' of the East 195' of Lot 1, Mingo Addition to the City of Tulsa, Oklahoma.

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variances) of the bulk and area requirements to permit a lot-split (L-14149); and an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1217 - Duplex Dwelling) to erect three duplexes in an RS-3 District located north and west of 60th Street and Quincy Place.

Presentation:

Charles Ford applied for a lot-split (L-14149) to divide the property into four tracts averaging 11,250 square feet each, to allow duplexes to be erected on three of the tracts and to waive the front footage requirements on the two rear lots which have access handles extending to 6th Street. Mr. Ford informed the Board of a mutual access easement which assures access to the two interior lots. He further stated that there are numerous nonconforming uses and other duplex uses in the area. The conditions of the existing homes range from good to poor and the proposed duplexes abut nine existing duplexes to the east; therefore, he felt it was a proper request. Mr. Ford submitted a plot plan (Exhibit "F-1") showing the proposed layout.

Protests: None.

Board Action:

On MOTION of SMITH, the Board 4-0 (Guerrero, Smith, Walden and Purser "aye", Jolly "absent") approved a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variances) of the bulk and area requirements to permit a lot-split (L-14149) and an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1217 - Duplex Dwelling) to erect three duplexes in an RS-3 District subject to the plot plan submitted on the following described tract:

Lot 14, Southlawn Addition to the City of Tulsa, Oklahoma.

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 (2) - Home Occupations) to operate an office of a plumbing business and park a van on property in an RS-3 District located at 39 North Gary Avenue.

Presentation:

Linda Moss, 39 North Gary Avenue, advised that she and her husband operate a plumbing business and she is requesting to use her home as an office and locate a desk and telephone for business use. Mrs. Moss stated that she does not conduct any retail sales. She also requested permission to park the van in the driveway. She advised that there is no storage of materials in her yard. Mrs. Moss stated that she only has one truck. She is a plumber and if she goes into the field to work, possibly she will add another truck but will not use her driveway as a parking lot. She stated that she does have a car in addition to the van and if the business grew to the extent that additional trucks were needed, the trucks will be driven home by the employees. She advised that the field workers would have no need to come to the home because their assignments are given them by telephone and possibly arrangements can be made to mail employee pay checks. Mrs. Moss stated that there will never be more than two vans parked in the driveway at one time advising that she does have a double car driveway and has no intentions of stacking building materials in the yard. Mrs. Moss added that she will be the only employee in the home and if her business does grow she will discontinue the use of her home and rent an office. Mrs. Moss informed the Board of an office one block south of the subject property, advising that her home is one house beyond being within light office zoning.

Protests:

The Staff submitted letters from area residents protesting the approval of the application.

Mr. & Mrs. Snipes Hall, 3219 East Admiral Court, submitted a letter (Exhibit "G-1") advising that the vehicles parked in the driveway will obscure the view driving from Admiral Court onto Gary Avenue.

Mr. & Mrs. Lewis Parker, 3211 East Admiral Court, also submitted a letter (Exhibit "G-2") opposing the application, fearing that the vehicles will make it difficult to have a clear view of traffic since Admiral Court intersects into Gary Avenue.

Mr. & Mrs. Joe A. Wright, 3232 East Admiral Court, and Mrs. Reba M. Wright, 3230 East Admiral Court, submitted a letter (Exhibit "G-3") opposing the plumbing business and parking of a van on the subject property for reasons of fearing the storage of materials in the yard.

Board Action:

On MOTION of SMITH, the Board 4-0 (Guerrero, Smith, Walden and Purser "aye", Jolly "absent") approved an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 (2) - Home Occupations) to operate an office of a plumbing business and park a van on property subject to the use of home occupation being limited to this owner only, and no outside storage of materials as presented on the following described tract:

9731 (continued)

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

9732

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670) of the setback requirements from 30' to 22' in an RS-2 District located at 46th Street and Lakewood Avenue.

Presentation:

William Doyle, representing Charlie Higgins, Inc., advised that the applicant owns ten lots at the subject location, with five of those lots fronting on 46th Street. He advised that because of the unusual placement of 46th Street, and the abutting of the different additions at that point, the curb line at 46th Street is almost 20' from the lot line rather than 12' and if they setback 30' in addition to the 12' this would mean that they would have a setback farther than the other lots in the area. He advised the Board of other homes in the area that setback 40' and because of the placement of the curb, one other home setback is approximately 35'. Mr. Doyle submitted a plat (Exhibit "H-1") and advised the Board that because of the unusual placement of the curb line they are applying for a variance of 8', which would result in a more usual setback from the curb line.

Protests: None.

Board Action:

On MOTION of SMITH, the Board 4-0 (Guerrero, Smith, Walden and Purser "aye", Jolly "absent") approved a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670) of the setback requirements from 30' to 22' in an RS-2 District as requested on the following described tract:

Lots 5, 6, & 7, Block 1; and Lots 3 & 4, Block 2, South Sheridan Plaza Addition to the City of Tulsa, Oklahoma.

9733

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 north and west of 95th East Avenue and 46th Street North.

Presentation:

Jackie Foote, representing her father-in-law, Edgar Foote applied to locate a mobile home on the subject property in order that he can live nearby and she could take care of him. Mrs. Foote advised the Board of other mobile homes in the area. She added that she has contacted area residents as well as the School Board and no one had any objections. Mrs. Foote stated that the mobile home will be located behind her house. Upon questioning, Mrs. Foote was aware of the removal bond being required.

11.3.77:247(16)



9733 (continued)

Protests: None.

Board Action:

On MOTION of SMITH, the Board 4-0 (Guerrero, Smith, Walden and Purser "aye", Jolly "absent") approved an 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 N/2 of the South 250' of the North 350' of Lot 11, Mingo Addition to the City of Tulsa, Oklahoma.

9734

Action Requested:

Variance (Section 420.2 (a) (2) - Accessory Use Conditions in Residential Districts - Under the Provisions of Section 1670) to permit a detached garage in the side yard in an RS-3 District located at 3566 South Toledo Place.

Presentation:

The applicant Charles Rengenberg, advised that he recently purchased the subject property which does not have a garage and he is requesting to build a detached garage. The applicant submitted a plot plan (Exhibit "I-1") and advised the Board that the house is centered on two lots and there is ample room to build a garage to the side of the house.

Protests: None.

Board Action:

On MOTION of SMITH, the Board 4-0 (Guerrero, Smith, Walden and Purser "aye", Jolly "absent") approved a Variance (Section 420.2 (a) (2) - Accessory Use Conditions in Residential Districts - Under the Provisions of Section 1670) to permit a detached garage in the side yard subject to the plot plan submitted on the following described tract:

Lot 9, Block 4, Redbud Addition to the City of Tulsa, Oklahoma.

9735

Action Requested:

Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1205 - Community Services, Cultural and Recreational Facilities) to use property for church use and church related uses. (Facilities will include: (1) Church building proper, consisting of an auditorium, offices, and classrooms; (2) general maintenance building for buses and storage, having adjacent off-street parking area and underground gasoline storage tanks.) Ultimate contemplated uses: (1) Day-care facility, (2) private educational program, utilizing church facilities and projected additional structures in an AG District located at 12000 Block East 31st Street.

Presentation:

C. L. Mansur, representing the Garnett Road Church of Christ advised that the church has applied to use the subject property for church use and church related uses involving assembly, worship, education, benevolent, nursery use and aged, and is applying to have the necessary facilities to enable the church to operate properly. Mr. Mansur advised that the present church is located at 3434 South Garnett Road which seats 1,000 persons and is located on a 5-acre tract. He advised that the proposed plan is adequate to support the large planning that the church is anticipating in the near future. The ultimate facility will seat 10,000 persons and will include an educational building, and an administrative office to support a church of 10,000. He stated that the church at present has twenty-eight buses and the new property will permit the maintenance and storage for 100 buses, including servicing. He further advised that the storage and maintenance facility will also serve to house the building and grounds maintenance equipment and will be parking facilities for the buses on the south end of the property away from and not visible from the street. Mr. Mansur stated that the detention facility will be located in the southwest corner of the property and connect with the City Park and provide a means of access for maintenance purposes. He informed the Board that they propose to have four public entrances from 31st Street and to utilize 32nd Place South and 32nd Street South for private entrances with gates and will be kept locked and not available to the public except when services are being held. He advised that the facility will be constructed to accommodate 5,000 persons immediately and the remaining 5,000 seats will depend upon the growth rate of the church. Mr. Mansur advised the Board of the parking needed to accommodate cars for this size of facility with separate parking for the buses. He further advised of the proposed plans to construct a wood fence on three sides of the property with 15' easements on the east, west and south for utility purposes with a minimum of 10' where they parallel existing 10' easements. He stated that upon completion of the facility it will be properly landscaped. Mr. Mansur stated that the property at present is undeveloped and will easily permit the purpose applied for. He submitted a concept plan (Exhibit "J-1") and stated that the church does intend to develop the north 50' across the front of the subject property and does not desire to have a public street in the center of the property. They would prefer to have primary access from the north. Upon questioning, Mr. Mansur stated that he had no objections to a review of the grading and drainage plans by the City Engineer.

The Chair informed Mr. Mansur of the communication (Exhibit "J-2") from William D. Von Drehle, City Engineer's Office, and its contents. Mr. Mansur advised that the church does not plan to develop the north 50' across the front, but rather than have a public street in the center of the property would rather omit the private access and have only access from the north. He further stated that they have no objection to a prior approval of the grading and drainage plans before the issuance of a building permit.

The Chairman also informed Mr. Mansur of a communication (Exhibit "J-3") from William Thomas, Traffic Engineer's Office, and its contents.

Board Member Smith, responded with an assessment of the access to Briar Glen School and he felt that a public street is not needed. He questioned how the children got to the school at present, and further advised of the expense to install a public street and felt it is not necessary. Mr. Walden of the Board agreed.

Protests: None.

Board Action:

On MOTION of SMITH, the Board 4-0 (Guerrero, Smith, Walden and Purser "aye", Jolly "absent") approved an Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1205 - Community Services, Cultural and Recreational Facilities) to use property for church use and church related uses. (Facilities will include: (1) Church building proper, consisting of an auditorium, offices, and classrooms; (2) general maintenance building for buses and storage, having adjacent off-street parking area and underground gasoline storage tanks.) Ultimate contemplated uses: (1) Day-care facility, (2) private educational program, utilizing church facilities and projected additional structures as requested, subject to the applicant's dedication of the remaining right-of-way necessary to bring 31st Street to 50' right-of-way standards on the south side of the centerline, and grant the necessary utility easements to the utility companies (Oklahoma Natural Gas, Southwestern Bell Telephone, Public Service of Oklahoma and Water and Sewer Department), impose a 50' front building setback line on the subject tract the same as if they had filed a subdivision plat, require drainage plans to be approved by the City Engineering Department, and submit detailed plot plan to the Board of Adjustment for review as to the approved concept prior to construction, require limits of access along 31st Street to be worked out with the Traffic engineering Department, deny access to the stub streets at 32nd Place South and 32nd Street South at this time, except for emergency entrances only, and erect a screening fence on three sides of the property as mentioned in the presentation (can be erected in phases as the work progresses, screening those buildings and parking lots in close proximity to the abutting residential), on the following described tract:

The NE/4 of the NW/4 of Section 20, Township 19 North, Range 14 East, Tulsa County, Oklahoma.

Action Requested:

Exception (Section 610 - Principal Uses Permitted in Office Districts) to erect townhouses in an OM District; and a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670) to permit 5' side yards in an RD District located south and east of 71st Street and Yale Avenue.

Presentation:

The Staff advised that the applicant, Never Fail, requested a continuance of the application.

9737 (continued)

Protests: None.

Board Action:

On MOTION of SMITH, the Board 4-0 (Guerrero, Smith, Walden and Purser "aye", Jolly "absent") continued application #9737 until December 15, 1977, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

(Guerrero out at 7:00 p.m.)

9736

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 at 4007 South 51st West Avenue.

Presentation:

Chester Furr applied to locate a mobile home on the subject property for his son-in-law and daughter to live in until they can build their home. Mr. Furr advised the Board of a mobile home across 51st West Avenue approximately 200 yards from his home, also to the north approximately 200 yards. He advised that the mobile home will be located partially behind and to the south of his home on a three and one-half acre tract. Mr. Furr further stated that he has contacted the area residents and they have no objections.

Protests: None.

Board Action:

On MOTION of WALDEN, the Board 3-0 (Smith, Walden and Purser "aye", Jolly and Guerrero "absent") approved an 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 a period of one year with a removal bond required on the following described tract:

The East 191.25' of the South 120' of the North 315' of Lot 6, Parks Acres Addition to the City of Tulsa, Oklahoma.

9738

Action Requested:

Exception (Section 610 - Principal Uses Permitted in the Office Districts - Section 1208 - Multifamily Dwelling and Similar Uses) to erect multifamily use in an OL District. (RM-1 District requirements will be complied with.); and a Variance (Section 206 - Number of Dwelling Units on a Lot - Under the Provisions of Section 1630 - Minor Variances) of the number of dwelling units on one lot from 40 units to permit 192 units in an OL District located at 5423 East 71st St.

Presentation:

Mrs. Allen requested a continuance of the subject application, advising that she and Warren Fynn, Chairman of District 18, would like to consult other members of the District.

Protests: None.

9738 (continued)

Board Action:

On MOTION of SMITH, the Board 3-0 (Smith, Walden and Purser "aye", Jolly and Guerrero "absent") continued application #9738 until November 17, 1977, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

9739

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 at 9757 West 57th Street.

Presentation:

J. C. Doyle applied to locate a mobile home on the subject property advising that he purchased the property and his house burned down and at present, he is unable to build a home and is requesting to locate a mobile home there to live in. He advised that he purchased the mobile home without knowledge of the necessity of appearing before the Board. Mr. Doyle advised the Board of other mobile homes in the area and asked if the Board would approve the mobile home to be located on the subject property for an indefinite period of time. The applicant submitted a plot plan (Exhibit "K-1") showing the proposed location of the mobile home on the property. He also submitted a petition (Exhibit "K-2") signed by area residents approving the location of the mobile home on the subject property.

The Chairman informed the applicant that the Board could only approve the application for a year at a time in an RS District.

Mr. Gardner of the TMAPC Staff, advised the applicant that he might apply for both a variance and an exception next year and if the variance is approved it would be permanent and would not have a need to come back each year.

Protests: None.

Board Action:

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

The South 150' of the West 100' of Lot 4, Block 1, Hill Top Addition to Tulsa County, Oklahoma.

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1207 - Duplexes) to erect duplexes in an RS-3 District; and a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670) of the setback requirements from 35' to 20' from 81st Street; and a variance of the setback requirements from 25' to 15' on corner lots from Delaware Avenue located SE of 81st Street and Delaware Avenue.

Presentation:

Attorney Charles Norman advised that the subject property is part of a ten-acre tract that was formerly owned by Oral Roberts University and was approved by the Board of Adjustment in 1967 for use as dormitories and classrooms. Mr. Norman advised that ORU has determined that the subject property is no longer needed for campus use and the applicant is requesting the approval of duplexes on the subject property. Mr. Norman submitted a plot plan (Exhibit "L-1") and advised that the eastern portion approximately 400', of the ten-acre tract has been designated as the drainage tributary into Vensel Creek and is a part of the floodplain moratorium area and is not proposed for development. He advised that the proposed plan includes lots that are more than 10,500 square feet and requested the waiver of the setback because of the surrounding land use relationships, advising that the duplexes are located on the westerly two-thirds of the property across from the ORU campus containing the physical fitness building, to the west across Delaware is the office of the Oral Roberts Evangelistic Association, south is Southwood Country Club, and to the northeast and southeast is the Walnut Creek Additions.

Mr. Norman advised that he would have no objections to the Board prohibiting traffic from exiting out on 81st Place; however, the Traffic Engineer would have objections.

Protests:

Bill Wells, 8004 South Evanston Avenue, advised that he is not so much against the project but would like to present what he feels might be a problem. Mr. Wells stated that he has resided in the area for five years and is concerned with the setback requirements and a variance that is requested. He stated that because of the existing developments and proposed future developments, he is concerned with the location of the Evanston access road onto 81st Street and feels that with the present traffic, that location will become four lanes and if it does become a four lane street, the abutting houses will create a problem for the future widening of the street. Mr. Wells also expressed feelings that the project will create a traffic problem if the project is allowed to set closer to 81st St., and if the access on South Delaware Avenue is approved with traffic trying to enter and exit the development. Mr. Wells further stated that the drainage under 81st Street will not be enlarged and homes have already been flooded in that area. He feels the Board should be assured that the project does not increase the flood problem, or have any adverse impact on drainage.

Mrs. Allen, 4323 East 72nd Street, representing District 18, advised that she does object to the setbacks from the street because Delaware is narrow and if measured from the middle of the street, it would not be much of a setback and she felt Mr. Norman should lower the density because 81st and Delaware is a dangerous corner and the proposed development will create a blind intersection if the setback is approved as requested. She advised that if the applicant would change the setback and not erect as many duplexes as requested, she would be in favor of the development.

Vic Bastien, Vice Chairman of District 18, is concerned with the blind corner and the increasing traffic impact in the area. He stated that if the blind corner is dangerous now, with the past and future developments the problem will more than double in five or ten years. Mr. Bastien also felt that if there is any doubt in regards to drainage impact, they should refer the item to the City Engineer.

Board Action:

On MOTION of SMITH, the Board 3-0 (Smith, Walden and Purser "aye", Jolly and Guerrero "absent") approved an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1207 - Duplexes) to erect duplexes in an RS-3 District; and a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670) of the setback requirements from 35' to 25' along 81st Street; and a variance of the setback requirements from 25' to 15' on corner lots on Delaware Avenue and Evanston Avenue to allow a 15' side yard on Lots 1 and 5, Block 1 and Lots 1 and 12, Block 2, with the stipulation that the garages face north and south next to Delaware and not discharge any traffic directly onto Delaware Avenue, only if they cannot get permission from the Technical Advisory Committee to put a double cul-de-sac on each end of the development, per plot plan, subject to a subdivision plat (in process) on the following described tract:

A tract of land in Block 1 of "Oral Roberts University Heights 3rd Addition," a subdivision of the N/2 of the N/2 of the NW/4 of the NE/4 of Section 17, Township 18 North, Range 13 East, Tulsa County, Oklahoma, said tract of land being described as follows, to-wit: Beginning at a point that is the northwest corner of said Block 1 of "Oral Roberts University Heights 3rd Addition; thence South 89°-48'-06" East along the Northerly line thereof for 835.00'; thence South 40°-59'-15" East for 106.30'; thence South 0°-11'-54" West for 200.11' to a point on the Southerly line of said Block 1; thence North 89°-48'-50" West along said Southerly line for 906.04' to the Southwest corner of said Block 1; thence North 0°-24'-38 East along the Westerly line thereof for 280.31' to the point of beginning of said tract of land.

Action Requested:

Variance (Section 330 - Bulk and Area Requirements in the AG District - Under the Provisions of 1630 - Minor Variances) to split two lots (L-14153) with a frontage of less than 300 feet in an AG District located south and east of 11th Street and Yale Avenue.

Presentation:

The Staff submitted a plot plan (Exhibit "M-1") and 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 3-0 (Smith, Walden and Purser "aye", Jolly and Guerrero "absent") approved a Variance (Section 330 - Bulk and Area Requirements in the AG District - Under the Provisions of 1630 - Minor Variances) to split two lots (L-14153) to permit a frontage of less than 300 feet subject to the plot plan submitted on the following described tract:

Tract A: A tract of land, containing 2.2590 acres, in the NW/4 of the NE/4 of Section 34, Township 18 North, Range 13 East, Tulsa County, Oklahoma, said tract of land being described as follows, to-wit: The North 410.00' of the West 240.00' of said NW/4 of the NE/4 of Sec. 34, T-18-N, R-13-E., Tulsa County, Okla.

and

Tract B: A tract of land, containing 2.0360 acres, in the NW/4 of the NE/4 of Section 34, Township 18 North, Range 13 East, Tulsa County, Oklahoma, said tract of land being described as follows, to-wit: Beginning at a point on the Northerly line of said NW/4 of the NE/4 of Section 34, said point being 240.00' Easterly of the Northwest corner thereof; thence Southerly and parallel to the Westerly line of said NW/4 of the NE/4 for 410.00'; thence Easterly and parallel to the Northerly line thereof for 121.36'; thence Northeasterly along a deflection angle to the left of 59°-00'-00" for 204.48' to a point of curve; thence Northeasterly and Northerly along a curve to the left, with a central angle of 29°-00'-00" and a radius of 160.00'; for 80.98' to a point of tangency; thence Northerly along said tangency for 158.00' to a point on the Northerly line of said NW/4 of the NE/4 of Section 34; thence Westerly along said Northerly line for 254.00' to the point of beginning of said tract of land.

Action Requested:

Exception (Section 250.3 (b) - Modification of the Screening Wall or Fence Requirements) to modify the screening requirements on the east and south where alternative screening will provide visual separation of uses in a CS District located SE of 41st Street and 100th East Ave.

Presentation:

Brad Chaffin, representing Koger Properties, Inc., submitted a concept plan (Exhibit "N-1") and requested to erect a chain link fence on the property lines instead of a wood fence. He advised that they are proposing to erect a chain link fence along the eastern property line which will separate the subject property from the trailer park. Mr. Chaffin advised that they are planning to use shrubbery in addition to the chain link fence advising that they are proposing to erect four



9743 (continued)

buildings that will be extensively landscaped and with over a thousand lineal feet of fence, a wood fence would be too difficult to maintain.

Mr. Gardner of the TMAPC Staff, advised that although the modification of the screening wall is the only item before the Board, the extreme eastern portion of the boundary line is within the moratorium. The Chain link fence, in my opinion, is better than the wood fence because it would not serve to alter the floodplain to the possible detriment of adjoining properties which the solid fence may do.

Protests: None.

Board Action:

On MOTION of SMITH, the Board 3-0 (Smith, Walden, and Purser "aye", Jolly and Guerrero "absent") approved an Exception (Section 350.3 (b)- Modification of the Screening Wall or Fence Requirements) to modify the screening requirements on the east and south to permit a chain link fence and shrubbery as presented, on the following described tract:

Lots 1 and 2, Block 2, Koger Executive Center Addition to the City of Tulsa, Oklahoma.

9746

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variances) to permit building across a lot line in an RS-3 District located at 21 East Woodrow Place.

Presentation:

The applicant was not present. The Staff advised the Board of the plot plan in the agenda and informed that the applicant was adding onto his home and the proposed addition will connect to the existing house and extend onto both lots.

Protests: None.

Board Action:

On MOTION of SMITH, the Board 3-0 (Smith, Walden and Purser "aye", Jolly and Guerrero "absent") approved a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variances) to permit building across a lot line in an RS-3 District on the following described tract:

Lots 14 and 15, Block 11, Oak Cliff Addition to the City of Tulsa, Oklahoma.

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variances) to construct a multifamily dwelling across lot lines in an RM-2 District located at 3400 Block South Winston Avenue.

Presentation:

The applicant was not present. The Staff submitted a plot plan (Exhibit "0-1") and advised that Long Construction Company had applied to construct a multifamily dwelling across lot lines in an RM-2 District.

Protests: None.

Board Action:

On MOTION of SMITH, the Board 3-0 (Smith, Walden and Purser "aye", Jolly and Guerrero "absent") approved a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variances) to construct a multifamily dwelling across lot lines subject to the plot plan submitted on the following described tract:

Lots 1, 2 and 3, Block 1, Conway Park 3rd Addition to the City of Tulsa, Oklahoma.

There being no further business, the Chairman declared the meeting adjourned at 7:50 p.m.

Date Approved

December 1, 1977

Thoby Purser

Chairman