

BOARD OF ADJUSTMENT
MINUTES of Meeting No. 248
Thursday, November 17, 1977
Langenheim Auditorium, City Hall
Tulsa Civic Center

| MEMBERS PRESENT | MEMBERS ABSENT | STAFF PRESENT | OTHERS PRESENT |
|---|----------------|---|---|
| Guerrero Smith, (in 1:35 p.m.) Walden Purser, Chairman | Jolly | Edwards Gardner Jones Dyer, Mrs. | Pauling, Legal Department Miller, 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 November 15, 1977 at 11:30 a.m., as well as the Reception Area of the TMAPC Offices, 3rd Floor, City Hall.

The Chairman called the meeting to order at 1:30 p.m. declaring 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 20, 1977 (No. 246).

UNFINISHED BUSINESS:

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 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 property has been approved for CS zoning by the Planning Commission, but has not been before the City Commission. Therefore, he suggested the application be continued until December 15, 1977.

Protests: none.

Board Action:

On MOTION of SMITH, the Board 4-0 (Guerrero, Smith, Walden and Purser "aye", Jolly "absent") continued application #9682 until December 15, 1977, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

Action Requested:

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 an access opening on 42nd Place located SE of 42nd Street and Peoria Avenue.

Presentation:

Louis Levy, attorney, representing John Zink Company, was not present. Mr. Levy phoned at 1:30 p.m., November 17, 1977 (Exhibit "A-1") informing the Board that John Zink Company has agreed to the 35' setback concerning the fence.

Mr. Pauling, Legal Department, recommended the Board continue the application to the next meeting and require a written communication from Mr. Levy concerning the matter since the neighboring property was the subject of a District Court law suit against the Board.

Protests: none.

Board Action:

On MOTION of SMITH, the Board 4-0 (Guerrero, Smith, Walden and Purser "aye", Jolly "absent") continued application #9702 until December 1, 1977, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

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:

Jeff Nix, attorney, representing the applicant, Robert McKee, advised that the applicant has applied to operate an auto repair business in a 2,000 square foot garage as a home occupation. Mr. Nix stated that his client purchased the subject property approximately three months ago, being attracted to the property by the 2,000 square foot building which was on the property when purchased. Mr. Nix stated that Mr. McKee has been in business for six years and the garage has ample room to park as many as six cars waiting to be repaired. Mr. Nix advised that the garage is operated under the name of "Car Doctor" and all cars will be confined inside the 2,000 square foot garage and there will be no other employee, no mechanical equipment, and no alterations to the building, no signs or display. Mr. Nix further advised that the applicant will perform mechanical services to the automobiles brought to the garage for repairs. Mr. Nix informed that the subject property is more than an acre in size and the accessory building is located approximately 250' to the east of the home. Mr. Nix added that approximately one to five cars are brought to the garage between Monday through Friday. Mr.

Nix submitted photos (Exhibit "B-1") of the proposed garage and of the area surrounding the subject property and advised the Board of other out buildings used by the area residents such as "Chicken Coops" and informing the Board that the applicant's proposed use is in keeping with the area. Mr. Nix advised that the building has vinyl and metal siding and is 220' from the nearest neighbor to the south, 220' from the nearest neighbor to the north and to the east is an open field. Mr. Nix further informed that the rumor being that a car which Mr. McKee had repaired caught fire as the car was being driven from the garage is untrue. Mr. Nix stated that the car had left his residence and had caught fire down the street from his home and he went to assist in extinguishing the fire, but he did not work on the car. He further stated that there is no blacktop on or near the applicant's driveway and none anticipated. Mr. Nix stated that there were no wreckers bringing in cars after dark and that there are no cars on the subject property that is not in running condition, and advising that there has never been 6 to 15 dead cars and that all cars are operable. Mr. Nix informed that the applicant is proposing to use the 2,000 square foot building to reduce the overhead expense of running a commercial garage and asked the Board to consider the fact that they meet the home occupancy standards and requirements.

Mrs. Miller, Building Inspector's Office informed that the Department had received a complaint that as many as ten to fifteen cars daily were parked at the subject property and an inspector was sent to the address and issued a stop work order pending the action of the Board on the application.

Robert McKee, the applicant, confirmed that the fire was not a result of his mechanical services, but a car did catch fire up the street from his property and he assisted in putting out the fire. Mr. McKee stated that no wreckers have ever delivered cars to his garage for repairs after dark. He stated that there have been wreckers at his home, but they belonged to friends that were visiting him. Mr. McKee stated that he does have as many as nine personal cars and on occasions when friends are visiting, there may be as many as fifteen cars in his driveway, but they are not dead cars or cars waiting to be repaired, because cars brought to the garage for repair will be kept inside of the garage. Mr. McKee further stated that he has put crushed rock in his driveway to make it easier to get the cars in and out of the driveway.

Protests:

Joe Connor, 8502 East 15th Street, representative of the protestants, advised that he resides approximately two blocks north of the subject property. Mr. Connor submitted photos (Exhibit "B-2") of the homes in the area and advised that the area is zoned residential and five acres of land to the north was denied uses, other than single-family residential. Mr. Connor stated that he resides in the area and there have been occasions when cars were delivered to the garage at night by a wrecker and have used other private residential driveways as means of turning around. Mr. Connor also submitted a petition

(Exhibit "B-3") consisting of 37 signatures opposing the garage. He also submitted phone book advertisements (Exhibit "B-4") advising that he, along with the other area residents, felt that the applicant was operating a business rather than a home occupation and the business should not be allowed. Mr. Connor also informed the Board of the car that caught fire that had left the subject property. He also submitted to the Board an application (Exhibit "B-5") dated December 6, 1973 made by the property owner at that time, appealing the Building Inspector's decision to use the subject property's accessory building for a siding business as a home occupation, and the results being the Board upheld the Building Inspector's decision, denying the home occupation use to the home owner at that time. Mr. Connor informed that the applicant has increased the driveway width and added a parking area to approximately 40' x 60' in size, and has graveled these areas. He asked that the Board consider this area as strickly residential.

Mrs. L. A. Culbertson, 1731 South 85th East Avenue, informed that the roads in the area are blacktoped and are heavily traveled and they do not need any additional traffic as a result of an auto repair garage. She stated that the applicant does keep two vans in the driveway in addition to the other cars he owns. Mrs. Culbertson advised that she has seen tow trucks come in as late as 10:00 p.m. and that the cars are not being kept inside the garage and she does not feel that this type of business belongs in a residential neighborhood. Mrs. Culbertson further stated that Mr. McKee has brought in gravel which she feels will present a water problem and also feels that type of business should not be allowed in a residential neighborhood.

E. V. Padgett, 8502 East 19th Street, advised that he resides less than 100' from the subject property to the north and all lots on 85th Street are double lots and are zoned single-family. Mr. Padgett stated that by the signatures on the petition, it is made known that the area residents wish the property to remain single-family. He added that he has lived at his residence since 1950 and has no intentions of re-establishing and he does not wish to have the garage in the area because he has seen as many as six cars on the premises that are not operable and as many as fifteen located on the property. Mr. Padgett felt that the applicant is conducting a business, rather than a home occupation. He stated that his property is flooded in heavy rains and if the applicant blacktops his property it will add to the flooding of his property. Mr. Padgett further added that if the business is allowed, it might draw other businesses to the area and he did not feel that Mr. McKee had a hardship.

C. H. Seawright, 8349 East 21st Street, informed that he resides across the street to the west of the garage. Mr. Seawright stated that he has checked with the Planning Commission concerning the future planning along 21st Street and was advised that there would be no commercial zoning permitted based on the Comprehensive Plan. Mr. Seawright submitted photos (Exhibit "B-6") advising that he has spent \$25,000 remodeling his home and his driveway is approximately 35' from the entrance of Mr. McKee's garage. When he leaves for work in the mornings, he has seen as many as 20 cars on the west and north side of the garage. He advised that Mr. McKee has prepared a parking area to the north of the garage which

is 40' x 60' topped with crushed rock, which indicated to him that all cars will not be inside of the garage.

Board Action:

On MOTION of SMITH, the Board 4-0 (Guerrero, Smith, Walden and Purser "aye", Jolly "absent") denied an 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 on the following described tract:

The North 148.5' of the South 297' of the West 305' of Block 10, O'Connor Park Addition to the City of Tulsa, Oklahoma.

Action Requested:

Exception (Section 610 - Principal Uses Permitted in the Office District - Section 1208 - Multifamily Dwelling and Similar Uses) to construct multifamily use in an OL District. (RM-1 District requirements will be complied with.)

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 located at 5423 East 71st Street.

Leon Ragsdale, architect and representative of the owners of the property, advised that the zoning variance requested is to use the five acres of property for RM-1 use. Mr. Ragsdale advised that the property is located east of the intersection of 71st Street and Yale Avenue, east of Southwestern Bell Telephone Exchange Center. Mr. Ragsdale submitted a site plan (Exhibit "C-1") and advised that the tract was zoned a combination of 5 acres OL and 4.33 acres of RM-1 multifamily. He advised that the OL tract was zoned as a buffer district and they are proposing to locate apartments in the office district which will be setback 295' from 71st Street. Mr. Ragsdale advised that a swimming pool, tennis court and clubhouse would buffer the front of the apartment project nearest 71st Street with a double drive entry and a heavily landscaped area that would serve to buffer the project from the 71st Street traffic. Mr. Ragsdale advised that the tract has been submitted to the Technical Advisory Staff and all utilities companies and it was recommended that a second point of access be provided to the tract from the north and this has been provided. Mr. Ragsdale added that they have received approval from the City Water and Sewer Department, Oklahoma Natural Gas and Public Service. He also stated that they have met with the City Engineering Department in reference to the water retention and have reviewed the water retention problems with the City and have provided them with calculations of the water runoff and have tentatively been given approval. Mr. Ragsdale stated that the OL use would permit 55,000 square feet of useable space and the number of units that would occur would be 105, stating that they are locating the project back from the street approximately a city block. Mr. Ragsdale advised that the land coverage permitted in OL office is 25% and the land coverage which they are proposing is less

than 25%. He stated that they have met with District 18, Southwestern Bell Telephone and others that are concerned with developing the area and they expressed that the project would present no problem. He advised that the property to the north has a fall, which permits a topographical differentiation between the sites and acts as a buffer, and in the event the Street is provided all the way through it will serve as a buffer to the north. Mr. Ragsdale further added that the 192 units does fall within the RM-1 zoning density, but they are proposing to locate less units than if the property were zoned RM-1. Upon questioning, Mr. Ragsdale stated that they have owned the subject property for three years and were pressed with a decision as to what to do with the property. Mr. Ragsdale also stated that due to the energy considerations they were trying to utilize the land more effectively.

Protests:

William McLaughlin advised that he resides about 300 yards west of the intersection of 71st and Yale. He stated that he was confused because according to Mr. Ragsdale's presentation, part of the tract was zoned OL and part was zoned RS-3 and according to the District 18 Planning Team it was all zoned OL. He advised the Board of the study (of 71st and Yale) that was conducted by the Tulsa Metropolitan Area Planning Commission and it was determined that office use was an appropriate land use. Mr. McLaughlin stated that it would be better to have single-family homes, with people who are planning to live in the neighborhood to use the property, because there is a distinct difference as far as land use and character of the neighborhood is concerned. He stated that apartments are more transitory. Much of the area is zoned residential and they feel it is far better to have people in the area who are investing in homes rather than apartments. Mr. McLaughlin advised the Board of apartment units 500 yards to the south of 71st and Yale and also 400 yards to the north of the intersection, and if the project is allowed, it would be approximately the same distance to the east of Yale. He advised that the homeowners are living in an apartment area of the City at present, and it is difficult to separate this application from an application of pure financial hardship. Mr. McLaughlin also added that it remained to be understood by him, as to why the developer purchased property in an area zoned for a particular use and now requests to vary from the type of use the property was zoned for. This results in deteriorating the neighborhood for the area residents. Mr. McLaughlin stated that as a representative of the Warrenton Homeowners, he had failed to properly notify them; however, they are concerned about this application but had to work and were unable to attend the hearing.

Mary Allen, 4323 East 72nd Street, advised that she is a member of the District 18 Planning Team and as a resident of the area she questioned a change from the primary land use at the Board of Adjustment level. She felt that a Board application should involve the same investigation of compliance with the Comprehensive Plan, compatibility with surrounding development, adequacy of streets, water, sewer and other public amenities that a rezoning request does. Mrs. Allen advised that the subject property is located near the area designated as a Special District in the Comprehensive Plan adopted by the Planning Commission, the City and County Commission, and Mrs. Allen further advised the Board of the

request of land use changes that have been rejected by the City Commission and Planning Commission. Mrs. Allen stated that she has worked for ten years trying to maintain the present zoning and the applicant has applied for fifteen buildings with 192 units which she believes is not in keeping with the area. Mrs. Allen added that the application should be denied or sent back to the Staff for further study.

Board Action:

On MOTION of GUERRERO, the Board 3-0-1 (Guerrero, Smith and Purser "aye", Walden "abstaining", Jolly "absent") approved an Exception (Section 610 - Principal Uses Permitted in the Office District - Section 1208 - Multifamily Dwelling and Similar Uses) to construct multifamily units 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 subject to the site plan submitted, that the clubhouse facilities and swimming pool be restricted to the apartment tenants and their guests only and no signs advertising the clubhouse or recreational facilities be permitted (a private club is not permitted in the apartment complex) on the following described tract:

The E/2 of the W/2 of the SE/4 of the SW/4 of Section 3, Township 18 North, Range 13 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U. S. Government Survey thereof, except that portion described as follows:

Beginning at the SW corner of the E/2, of the W/2, of the SE/4, of the SW/4, of Section 3, Township 18 North, Range 13 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U. S. Government Survey thereof; thence East a distance of 140' to a point on the South line; thence North parallel to the West line a distance of 207' to a point; thence West parallel to the South line to a point on the West line; thence South a distance of 207' to the point of beginning. Tract consists of 9.33 acres, more or less.

NEW APPLICATIONS:

9740

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of the side yard requirements from 5' to 4' on the east and 2 1/2' on the west in an RS-3 District located at 3320 East 5th Place.

Presentation:

Leon Newton, 3220 East 5th Place, advised that he erected a carport unaware of the requirements to obtain a building permit. He stated that the hardship is that the carport is already erected and that is the only logical place to build it. Mr. Newton submitted a plot plan (Exhibit "D-1") and advised that the carport is 2 1/2' from the building line on the west. Mr. Newton advised that the roof projects even farther and on that side of the house will be guttered. He added that his driveway is approximately 8" lower than the driveway adjacent to his driveway. Mr. Newton informed that he built the carport because his garage was too small for his cars and he has contacted eleven neighbors within a 300' area of his property, who had no objections to the carport. Mr. Newton submitted letters (Exhibit "D-2") from area residents expressing their support of the carport. Mr. Newton submitted photos (Exhibit "D-3") of his carport as well as other carports in the area. Upon questioning by the Board, Mr. Newton said that he does not operate a business out of his garage and other than storing his camping equipment, his garage is only used as a means of protection to his car.

Protests:

Mildred Tranthan, 3316 East 5th Place, advised that the carport ruins the appearance of her home being as close as it is. Mrs. Tranthan feels the structure could create a fire hazard to her home. She expressed fear that the carport will cause dampness and termites underneath her house. She stated that the carport is erected approximately 9' from her house and she has contacted Mr. Newton concerning the water runoff and was informed by the applicant that he would erect gutters, but advised the Board that the applicant has failed to do so.

Mrs. George Koch, 3301 East 5th Place, stated that the neighborhood is quiet and she has resided there thirty years. She informed that the applicant did not contact any of the residents before constructing the carport. Mrs. Koch felt that if the other area residents could use their garage, she felt that the applicant should be able to use his. She also informed the Board of an excessive amount of traffic in and out of Mr. Newton's garage, which is disturbing to the area residents that are mostly elderly people. Mr. Koch stated that due to the amount of traffic in and out of the garage, she felt that Mr. Newton is using the garage for storage, and if so, he should be required to obtain a permit for storage.

Mrs. Wilson, 3311 East 5th Place, advised that she has resided at her location since 1918 and her carport was there when she purchased her property. She expressed concern with the noise of vans coming in and out at all hours of the night, loading and unloading something into the garage.

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9740 (continued)

Board Action:

On MOTION of WALDEN, 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 - Variances) of the side yard requirements from 5' to 4' on the east and 2 1/2' on the west in an RS-3 District, subject to appropriate guttering installed on the west side of the building to carry roof water down his own driveway on the following described tract:

The West 16' of Lot 7; and the East 42' of Lot 8, Block 3,
Chula Vista Addition to the City of Tulsa, Oklahoma.

9744

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) to operate a children's nursery in a church in an RS-3 District located at 4811 South 25th West Avenue.

Presentation:

Mary Keith, 2656 West 50th Street, applied to locate a day care nursery at the subject location, beginning operation with a maximum of forty-nine children recommended by the State Department. Mrs. Keith advised that the hours of operation will be five days per week, Monday through Friday, 7:00 a.m. until 6:00 p.m., and advised that the appropriate facilities are readily available with no plans for enlargement. She further stated that the nursery will be operated by the church on a non-profit basis. Mrs. Keith advised that the children brought to the nursery will be those of working parents and working mothers of welfare children, the State will take care of the expenses. She also stated that they have facilities available to care for 100 children, but at the present they plan to care for only forty-nine. Mrs. Keith added that the children will be brought to the nursery by their parents and they do have proper facilities for loading and unloading children off the street. She further added that the fees will be comparable with fees of other day nurseries. Mrs. Keith informed that there was a need for a day nursery in the area and they are proposing to meet those needs.

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 1205 - Community Services, Cultural and Recreational Facilities) to operate a children's nursery in a church with a maximum of fifty children and as presented by the applicant on the following described tract:

N/2, NW/4, SW/4, SE/4, of Section 27, Township 19 North,
Range 12 East, Tulsa County, Oklahoma.

11.17.77:248(9)

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Under the Provisions of Section 440 (6) - Mobile Homes) to locate a mobile home in an RS-3 District; and a Variance (Section 410 - Principal Uses Permitted in Residential Districts - Under the Provisions of Section 1670) to locate a mobile home in an RS-3 District located at 4425 West 56th Street.

Presentation:

Mrs. Florence Henderson, 4425 West 56th Street, applied to locate a mobile home at the subject location for her residence. William Brown acting as representative for Mrs. Henderson, advised that he purchased the subject property from Mrs. Henderson and is allowing her to locate the mobile home on the property, rent free. Mr. Brown advised that he purchased two lots, one of which contains a home that was previously occupied by Mrs. Henderson and after he purchased the property, he occupied the house and allowed Mrs. Henderson to locate her mobile home on one of the lots. Mr. Brown added that the mobile home is fenced and connected with all proper facilities and he will allow Mrs. Henderson to reside in the mobile home as long as she desires. Mr. Brown advised that Mrs. Henderson is requesting a variance due to her financial situation, adding that Mrs. Henderson is one a fixed income. Mr. Brown further added that there is another mobile home in the area, advising that the subject property is outside of the City limits. He also stated that Mrs. Henderson is not related, but he has grown very fond of her and is interested in her welfare and has contacted all neighbors and they had no objections.

Protests: None.

Board Action:

On MOTION of SMITH, the Board 3-1-0 (Smith, Walden and Purser "aye", Guerrero "nay", Jolly "absent") denied an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Under the Provisions of Section 440 (6) - Mobile Homes) to locate a mobile home in an RS-3 District; and approved the Variance (Section 410 - Principal Uses Permitted in Residential Districts - Under the Provisions of Section 1670) to locate a mobile home in an RS-3 District as long as the mobile home is occupied by Mrs. Florence Henderson on the following described tract:

Lot 16, Block 5, Opportunity Heights Addition to the City of Tulsa, Oklahoma.

Guerrero wished to make an amendment to the motion to require a removal bond. Amended motion died for lack of a second.

Action Requested:

Variance (Section 330 - Bulk and Area Requirements in the Agricultural District - Under the Provisions of Section 1630 - Minor Variances) of the square footage and front footage requirements in an AG District to permit a lot-split (L-14155) located at 135th East Avenue and 126th Street North.

9747 (continued)

Presentation:

The applicant was not present. The Staff advised that the Planning Commission did not have a meeting, therefore the Planning Commission has not approved the lot-split.

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 Agricultural District - Under the Provisions of Section 1630 - Minor Variances) of the square footage and front footage requirements in an AG District to permit a lot-split (L-14155) subject to the approval of the Planning Commission on the following described tract:

The West 230 feet of the South 188.68 feet of the North 943.40 feet of the E/2, W/2, SW/4 of Section 33, Township 22 North, Range 14 East; and the East 430 feet of the above to be added to 188.68' x 660' to the South, in Tulsa County, Oklahoma.

9749

Action Requested:

Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1215 - Other Trades and Services) to operate a premix donut distribution plant in a CS and CH District located NE of 11th Street and Skelly Drive.

Presentation:

Harold Burlingame, representing the owners of Daylight Donut Company, advised that they have purchased a tract of ten acres and was refused a building permit due to the type of usage that the plant entails. Mr. Burlingame stated that as a premix donut plant, they will mix all ingredients into the flour before it is sold. He advised that the building will be somewhat similar in architecture to the Lowrance Electronics, Inc. building located to the north. Mr. Burlingame added that they are selling us the building, and located to the south is the Sonic Drive-In Restaurant, Howard Johnson's Restaurant and the Day's Inn Motel-Hotel.

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 1215 - Other Trades and Services) to operate a premix donut distribution plant in a CS and CH District as presented on the following described tract:

Lots 1 and 2; and the South 5' of Lot 3, Block 1, Lowrance Square Addition to the City of Tulsa, Oklahoma.

11.17.77:248(11)

mobile home will be rental property. Mr. Ellis stated that people previously renting property in the area have done a great deal of damage to his property in the past as well as the rented property. Mr. Ellis felt that if the trailer homes are rented they will be occupied by less than desirable families, which the last four families were. He stated that the area does not attract desirable families because it is a low income area.

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 two mobile homes in an RS-3 District for a period of one year with a removal bond of \$1,000 being sufficient for both mobile homes on the following described tract:

Lots 12, 13 and 14, Block 1, First McBirney Addition to the City of Tulsa, Oklahoma.

Action Requested:

Variance (Section 630 - Bulk and Area Requirements in the Office Districts - Under the Provisions of Section 1670) of the following:
(1) Lot frontage from 50' to 20'; (2) Floor area ratio from .50 to 1.20;
(3) Setback from abutting District from 10' plus 2' for each 1' of height exceeding 15' to 10', but restricting height to two-stories; and a Variance (Section 1211.4 - Off-Street Parking and Loading Requirements - Under the Provisions of Section 1670) for a waiver of the loading berth requirements in an Office District located north and west of 71st Street and Lewis Avenue.

Presentation:

Jack Givens, attorney, representing Gilmore and Wilson, owners of the subject property, advised that the property is a six-acre tract zoned OM, fronting on 71st Street, about 1/2 mile west of Lewis Avenue. Attorney Givens advised that to the immediate east is a private recreational facility called Camp Shalom. He advised they are proposing to develop the subject tract into an office park. Mr. Givens submitted a plot plan (Exhibit "F-1") and advised that they are proposing to subdivide the property into 64 individual lots with an internal portion of the tract being used for parking, landscaping and approximately 30% being easements granted for the necessary entrances to the tract. He informed that if the variances are granted, these lots would be owned by various purchasers and it would also provide a great deal of flexibility meaning that a prospective owner could own one lot with a 20' unit or 2 lots with 20' units or whatever is desired. Mr. Given stated that the Code at present requires 50' frontage for office lots and they are requesting permission to have 20' instead. Also a variance from 10' plus 2' for every foot of building height over 15 feet to a straight 10', but limit the structures to not more than two-stories. Mr. Given advised that this would permit more sales and layout flexibility which is needed. He also requested a variance of the floor area ratio from .50 to 1.20. He advised that the present OM zoning, under the Zoning

Action Requested:

Exception (Section 310 - Principal Uses Permitted in the Agricultural District - Section 1209 - Mobile Homes) to locate a mobile home in an AG District; and a Variance (Section 340 - Requirements for Special Exception Uses in the Agricultural District - Under the Provisions of Section 1670) of the five-acre minimum for a mobile home in an AG District located south and east of 76th Street North and 66th East Ave.

Presentation:

Ladonna Tankersly, Rt. 8, Box 226, applied to locate a mobile home on the subject tract. Mrs. Tankersly advised that the property is owned by her mother and she is requesting to locate the mobile home on the property until she can purchase her own property and remove the mobile home. She added that the tract is a total of 7.5 acres with a house and her mobile home on it. She does not plan to build a home there, but she does prefer to raise her family there at this time. She informed the Board of other mobile homes in the area.

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 Agricultural Districts - Section 1209- Mobile Homes) to locate a mobile home in an AG District; and a Variance (Section 340 - Requirements for Special Exception Uses in the Agricultural Districts - Under the Provisions of Section 1670) of the five-acre minimum for a mobile home in an AG District for a period of seven years on the following described tract:

Tract 2 described as the South 152.0 feet of the North 304.0 feet of the East 764.7 feet of the West 789.7 feet of the N/2 of the SW/4 of the NE/4 of Section 33, Township 21 North, Range 13 East of the Indian Base and Meridian, Tulsa County, Oklahoma.

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 (6) - Mobile Homes) to locate two mobile homes in an RS-3 District located at 3701 South Nogales Avenue.

Presentation:

C. R. Torbett, 4315 South Vancouver Avenue, applied to locate two mobile homes on the subject property. He advised that he has owned the property for eight years and was informed that he could go before the Board and possibly get permission to locate the mobile homes on the subject property. The applicant stated that he has not been able to build on the property. The applicant submitted a concept plan (Exhibit "E-1") and advised the Board of other mobile homes to the east and south.

Protests:

Elvin Ellis, 3712 South Nogales, advised that he resides across the street from the subject property and most all of the residents of the area are homeowners and he was informed by the applicant that the

Code would permit 115,688 square feet of office space, but they will not build that much. He advised that although they are not requesting additional coverage of the land or additional square footage on the overall tract, they are requesting to increase the allowable square footage per individual office lot or plot from .5 to 1.2 floor area ratio. Mr. Givens also advised that they are requesting a waiver of the loading berth, since the plans are for an office park they don't feel that a loading berth is needed, stating that a restrictive covenant prohibits semi-trucks and vans from remaining on the property overnight. Mr. Givens also submitted a planning book (Exhibit "F-2") with architectural renderings of how the proposed offices will be designed and alternate floor plans that prospective purchasers can choose from. Mr. Givens submitted a communication (Exhibit "F-3") to the Board, advising of the variances requested. Mr. Givens also submitted a communication to the Board (Exhibit "F-4") from Charles Hardt, Chief Hydrology Department, advising that the subject property is not within the City of Tulsa's Moratorium Boundary.

Protests: None.

Board Action:

On MOTION of GUERRERO, the Board 3-0-1 (Guerrero, Walden and Purser "aye", Smith "abstaining", Jolly "absent") approved Variances (Section 630 - Bulk and Area Requirements in the Office Districts - Under the Provisions of Section 1670) to permit the following: (1) Lot frontage from 50' to 20'; (2) Floor area ratio from .50 to 1.20' (3) Setback from abutting district from 10' plus 2' for each 1' of height exceeding 15' to 10', but restricting height to a maximum of two stories; and a Variance (Section 1211.4 - Off-street Parking and Loading Requirements - Under the Provisions of Section 1670) of the loading berth requirements in an Office District, subject to the plot plan submitted and as presented, on the following described tract:

A tract of land in the SW/4 of the SE/4 of Section 6, Township 18 North, Range 13 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U. S. Government Survey thereof, more particularly described as follows; to-wit:

Beginning 200' East of the SW corner of the W/2 of the SW/4 of the SE/4 of Section 6, Township 18 North, Range 13 East; thence North 563.05'; thence East 460.04'; thence South 562.93'; thence West 460.07'; to the point of beginning.

Action Requested:

Variance (Section 930 - Bulk and Area Requirements in Industrial Districts - Under the Provisions of Section 1670) of the setback requirements in an IL District for a bank drive-in facility located between 1st and 2nd Streets and between Denver and Cheyenne Avenues.

9753 (continued)

Presentation:

Bob Davidson, attorney, representing the Bank of Oklahoma, advised that they are requesting to locate a drive-in banking facility at the subject location. Mr. Davidson submitted a plat of survey (Exhibit "G-1") and advised that the subject property is zoned IL, and as a result, a 25' setback is required from the property line. He advised the Board that before the block was purchased by TURA, buildings were built to the property line. He stated that the use will be light commercial and will occupy a small portion of the City block and in order to get the proper consideration and number of drive-in bays, they would like to build to the property line. Mr. Davidson further added that the facility will be a single-story structure and is consistent with the downtown method of construction. Mr. Davidson also submitted a concept plan (Exhibit "G-2") and advised that the proposed drive-in facility is not in conflict with the method of development in the Central Business District and is therefore a reasonable request.

Protests: None.

Board Action:

On MOTION of GUERRERO, the Board 3-0-1 (Guerrero, Walden and Purser "aye", Smith "abstaining" and Jolly "absent") approved a Variance (Section 930 - Bulk and Area Requirements in Industrial Districts - Under the Provisions of Section 1670) of the setback requirements in an IL District for a bank drive-in facility per concept plan submitted, on the following described tract:

Block 92, Original Townsite of Tulsa, Oklahoma.

9754

Action Requested:

Variance (Section 240.2 (e) - Permitted Yard Obstructions - Under the Provisions of Section 1670) of the accessory building requirements from 750 square feet to 960 square feet in an RS-3 District located on the NW corner of 51st Street and Santa Fe Avenue.

Presentation:

R. L. Farris, 1507 West 51st Street, applied for a variance to build an accessory building for welding. The applicant advised that he will only do welding for himself and some mechanical work. He submitted a plot plan (Exhibit "H-1") advising that the building will be 24' x 40' and used to store his farm equipment as well as welding inside of the building. He stated that at present he is using his garage, which is not large enough and the requested size will provide ample space. He advised that he will store his personal farm equipment because he does not have an out building on his farm. Mr. Farris added that to the north and west of the subject property is a pipe yard storage and to the east is vacant property.

Protests: None.

Board Action:

On MOTION of SMITH, the Board 4-0 (Guerrero, Smith, Walden and Purser "aye", Jolly "absent") approved a Variance (Section 240.2 (e)- Permitted Yard Obstructions - Under the Provisions of Section 1670) of the accessory building requirements from 750 to 960 square feet to permit storage of farm equipment and minor welding and repair of his machinery only, no business, as presented, subject to the plot plan submitted on the following described tract:

The East 100' of the South 150' of Lot 4, Block 5, Suburban Highlands Addition to the City of Tulsa, Oklahoma.

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Under the Provisions of Section 440 (6) - Mobile Homes) to locate a mobile home in an RM-2 District located at 1626 South 78th West Avenue.

Presentation:

Jerry Wood, 31 Adams Road, Sand Springs, Oklahoma, advised that he has purchased the subject property and is applying to locate a mobile home on the property until he can build his home, which will be approximately one year. The applicant advised that there are other mobile homes in the area.

Protests:

Jack Thompson, 7905 West 17th Street, advised that he owns the 5th lot from the subject property which is in view of his property. Mr. Thompson stated that the applicant has moved industrial equipment onto the lot which has presented an eyesore to the area. He advised that the area residents are improving their homes and he is protesting because Mr. Wood is moving in equipment that he prefers not to have on 17th Street. Mr. Thompson submitted photos (Exhibit "I-1") of his property and the subject property, advising the Board of the industrial equipment stored on the property by the applicant.

Charlie Sellers, 7913 West 17th Street, advised that he resides one block west of the subject property. He stated that the complaint was that of the materials that were stored along the fence line. He advised that the applicant has a storage of trucks, tractors and parts of razed buildings on the subject property. Mr. Sellers stated that they are protesting the moving in of mobile homes because they will lower the value of the property. Upon questioning by the Board, Mr. Sellers stated that he objected to both the mobile home and the equipment.

Interested Party:

Clifford Mills, 1616 South 78th West Avenue, advised that 50' separates his property from the mobile home moved to the subject location by the applicant. Mr. Mills stated that Mr. Wood has kept the property in very good condition, and also advised that the enclosure built by Mr. Wood was for storage and protection of the equipment. Mr. Mills further advised that the equipment is used by the applicant on his job and will be stored at the subject location on temporary basis. Mr.

9755 (continued)

Mills added that two lots separate Mr. Thompson's property from that of the applicant and he felt the applicant should be allowed to locate the mobile home on the subject property until he can build his home.

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 - Under the Provisions of 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 with the stipulations of no equipment or outside storage permitted, mobile home only, on the following described tract:

Lot 29, Billington Acre Tracts Addition to the City of Tulsa, Oklahoma.

9756

Action Requested:

Variance (Section 730 - Bulk and Area Requirements in Commercial Districts - Under the Provisions of Section 1670) of the front setback requirements from 100' to 90' in a CS District; and an Exception (Section 740 - Accessory Uses Permitted in Commercial Districts - Under the Provisions of Section 1680) to have living quarters on the second floor of the building located at 5800 South Peoria Avenue.

Presentation:

Mark Beard, contractor, advised that they are reapplying for the same variance that was approved in 1972 since action was not taken in the two-year period, and the approval lapsed. Mr. Beard advised that the owner, Mr. Robertson owns a flower shop and wishes to install living quarters on the second floor for protection of his property. He advised that Mr. Robertson has been in business for seventeen years and is expanding to a lot that he owns. Mr. Beard added that the living quarters will be approximately 1,500 square feet, which is larger than the original request that was approved in 1972. He further stated that to the south of the subject property is a Kerr-McGee Service Station, north is a strip shopping center and to the rear is a mini-storage which also has living quarters on the second floor. Mr. Beard stated that they do not have completed plans on the proposed building. Upon questioning, Mr. Beard did not have a plot plan.

Protests: None.

Board Action:

On MOTION of SMITH, the Board 4-0 (Guerrero, Smith, Walden and Purser "aye", Jolly "absent") continued application #9756 until December 1, 1977, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

11.17.77:248(17)

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) to use property for church use and parking in an RS-3 District located at 1224-1228 South Delaware Avenue.

Presentation:

Clifton Morell, representative of the First Church of the Nazarene, applied to use the subject property for church parking advising that the church building is presently located adjacent to the north. Rev. Morell advised that the proposed parking lot will be connected with the present parking lot. He also submitted a rendering (Exhibit "J-1") and advised that the proposed parking will be paved and will be attached to lot 20, all in the Hi-Pointe Addition.

Protests: None.

Board Action:

On MOTION of GUERRERO, the Board 4-0 (Guerrero, Smith, Walden and Purser "aye", Jolly "absent") approved an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) to use property for church use and parking as presented, on the following described tract:

Lots 18 and 19, Block 2, Hi-Pointe Addition to the City of Tulsa, Oklahoma.

Action Requested:

Variance (Section 330 - Bulk and Area Requirements in Agricultural Districts - Under the Provisions of Section 1630 - Minor Variances) of the frontage requirements in an AG District to permit a lot-split (L-14170) with 100' and 169.75' frontages; and a variance of the area requirements located at 900 West 81st Street.

Presentation:

The applicant, Robert Ankersheil, was not present. The Staff advised that there was no meeting of the Planning Commission, therefore the lot-split was not approved.

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 Agricultural Districts - Under the Provisions of Section 1630 - Minor Variances) of the frontage requirements in an AG District to permit a lot-split (L-14170) with 100' and 169.75' frontages; and a variance of the area requirements subject to the approval of the Planning Commission on the following described tract:

The West 269.75' of a tract beginning at the northeast corner of Section 14, Township 18 North, Range 12 East, in the City and County of Tulsa, Okla.; thence South 436'; West 1,013'; North 436'; East 1,013' to the point of beginning.

Action Requested:

Variance (Section 730 - Bulk and Area Requirements in Commercial Districts - Under the Provisions of Section 1630 - Minor Variances) to locate a sign 44' from the centerline of Charles Page Boulevard in a CH District located at 4348 Charles Page Boulevard.

Presentation:

Tom Workman, 119 Prairie Lane, Vinita, Oklahoma, advised that he is proposing to erect a sign 44' from the centerline rather than the 50' required. He advised that the sign will be located in the front of the Sonic Drive-In Restaurant on Charles Page Boulevard. He stated that by locating the sign 44' from the centerline of Charles Page Boulevard this will enable the sign to be in front of the canopy which would be more attractive to the building. He advised that to the west is a strip shopping center, drive-in and an auto parts store, and all have signs that will be closer than his sign at 44'.

Protests: None.

Board Action:

On MOTION of GUERRERO, the Board 4-0 (Guerrero, Smith, Walden and Purser "aye", Jolly "absent") approved a Variance (Section 730 - Bulk and Area Requirements in Commercial Districts - Under the Provisions of Section 1630) to locate a sign 44' from the centerline of Charles Page Boulevard, subject to a removal contract on the following described tract:

Lots 23 and 24, Block 1, Home Gardens Addition to the City of Tulsa, Oklahoma.

Communication:

Mrs. Charles Dameron advised that she had operated a business of selling infant wear and upon going out of business, her application to the Board was denied, but the Board gave her permission to sell the balance of the merchandise at her home in her garage for one year and to display a sign on her garage door. Mrs. Dameron advised that she had placed a sign on the fence to give the location of her home and was unaware that it was in violation of the Code. Mrs. Dameron advised that she was issued a citation by the Building Inspector's Office, but had no signs or advertisement in her yard at the time.

Mr. Jones of the TMAPC Staff, advised that the Board had given Mrs. Dameron permission to place a 17" x 24" sign on her garage and was given until December 31st to sell the merchandise and that she was not to locate any more signs on the property than the one. He further advised that she located a sign on her fence to help people locate her home and informed him that the sign was not for advertisement. Mr. Jones stated that the Building Inspector's Office had received complaints of signs on Mrs. Dameron's premises and issued her a citation, and he suggested that she write a letter to come before the Board regarding the matter.

The Chairman re-emphasized the Board's previous action and stressed that no other signs can be placed on the property during the balance of the time allowed to sell the infant wear, which expires December 31, 1977.

Detailed Plot Plan

Mr. Gardner, TMAPC Staff Member, submitted a detailed plot plan to the Board. He advised that the application was approved by the Board in June, 1977, and asked the Board to accept this detailed plan in lieu of the concept plan. Mr. Gardner advised that the Staff had reviewed the plan, which meets the Board's approved action, in order that the Building Inspector can issue a building permit based on the detailed plan rather than the original concept plan. The number of units are the same and the circulation system is the same, but the actual building locations and recreational facilities are slightly different. Mr. Gardner further advised that the item was not brought to his attention in sufficient time for the agenda or the 24-hour notice that is required.

Board Action:

On MOTION of GUERRERO, the Board 4-0 (Guerrero, Smith, Walden and Purser "aye", Jolly "absent") accepted the detailed plot plan (Exhibit "K-1") as it meets the Board's concept approved on the following described tract:

Commencing at the NE corner of Section 30; thence South $00^{\circ}-08'-29''$ West a distance of 1,350.00' along the East section line of said Section 30; thence North $89^{\circ}-57'-04''$ West a distance of 50.00' to the point of beginning; thence South $00^{\circ}-08'-29''$ West a distance of 642.37'; thence North $89^{\circ}-51'-31''$ West a distance of 342.77'; thence on a curve to the right with a radius of 255.00' a distance of 75.66'; thence North $72^{\circ}-51'-31''$ West a distance of 91.39'; thence North $77^{\circ}-08'-52''$ West a distance of 200.56'; thence North $00^{\circ}-08'-29''$ East a distance of 559.10'; thence South $89^{\circ}-57'-04''$ East a distance of 700.84' to the point of beginning; and

Said Tract lies all in the SE/4 of the NE/4 of Section 30, Township 19 North, Range 14 East, of the Indian Base and Meridian, Tulsa County, Oklahoma, and contains 10.000 acres, more or less; and


Commencing at the NE corner of Section 30; thence South $00^{\circ}-08'-29''$ West a distance of 1,350.00' along the East section line of said Section 30; thence North $89^{\circ}-57'-04''$ West a distance of 750.84' to the point of beginning; thence South $00^{\circ}-08'-29''$ West a distance of 559.10'; thence North $72^{\circ}-51'-31''$ West a distance of 1,157.00'; thence on a curve to the right with a radius of 170 00' a distance of 106.69'; thence North $42^{\circ}-59'-06''$ East a distance of 216.82'; thence South $89^{\circ}-57'-04''$ East a distance of 1,045.00' to the point of beginning.

9421 (continued)

Said tract lies all in the NE/4 of Section 30, Township 19 North, Range 14 East, Indian Base and Meridian, Tulsa County, Oklahoma, and contains 10,000 acres, more or less.

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

Date Approved 12/15/77


Chairman
For The Chairman