

BOARD OF ADJUSTMENT
MINUTES of Meeting No. 249
Thursday, December 1, 1977, 1:30 p.m.
Langenheim Auditorium, City Hall
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Jolly Smith, in at 1:37 p.m. Walden, out at 2:30 p.m. Purser, Chairman	Guerrero	Edwards Gardner Jones Dyer, Mrs.	Pauling, Legal Department Miller, Mrs., Building Insp. Office Jackere, Legal Department

The notices of said meeting were posted in the Office of the City Auditor, 9th Floor, Room 919, City Hall, Tulsa, Oklahoma, on November 29, 1977, at 2:25 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 1:37 p.m. and declared a quorum present.

MINUTES:

On MOTION of JOLLY, the Board 3-0 (Jolly, Walden and Purser "aye", Guerrero and Smith, "absent") approved the Minutes of November 3, 1977 (No. 247).

UNFINISHED BUSINESS:

9702

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 Ave.

The Chairman advised that the Board approved the parking request, denied the access opening on 42nd Place and continued a decision on the screening fence and setback question pending the decision of the District Court on a related matter.

Presentation:

Attorney Louis Levy, representative of the John Zink Company was not present. However, the Staff advised that Mr. Levy had phoned and stated that he would not make a personal appearance to the Board, but if the Board desired to have the 10-foot setback that they make it a condition of approval.

Protests: None.

Board Action:

On MOTION of JOLLY, the Board 4-0 (Jolly, Smith, Walden and Purser "aye", Guerrero, "absent") approved an 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 subject to the construction of a screening fence to be setback 35' from the centerline of the adjacent streets, and that the fence be of the same quality and type as the previous fencing and that landscaping be provided within the 10-foot setback between the fence (35') and the City's right-of-way (25'), on the following described tract:

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

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, representative of the owner applied for a variance in building setback from 100' to 90' and to erect a commercial building with living quarters on the second floor. Mr. Beard submitted a plot plan (Exhibit "A-1") of the proposed location. He advised that the owner, Mr. Robertson operates a flower shop and wishes to reside in the living quarters on the second floor for protection of his property. Mr. Beard stated that they are proposing 900 square feet of living space and the submitted plot plan is similar to the one submitted two years ago that was approved, but the building was not constructed within the 2-year limitation.

Protests: None.

Board Action:

On MOTION of SMITH, the Board 4-0 (Jolly, Smith, Walden and Purser "aye", Guerrero, "absent") approved a 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 a commercial building, subject to the plot plan submitted on the following described tract:

Lot 9, Block 1, Broadview Heights Addition to the City of Tulsa, Oklahoma.

NEW APPLICATIONS:

9758

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 (6) - Mobile Homes) to maintain a mobile home in an RS-2 District, bond required, located at 2445 East 56th Street North.

Presentation:

The applicant, Bobby Steinhouse, 2445 East 56th Street North, applied to locate a mobile home on the east side of his home to be occupied by his widowed mother-in-law. Mr. Steinhouse advised that his mother-in-law is in ill health and locating the mobile home at the subject location will enable him to look after her.

Protests: None.

Board Action:

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

The E/2, E/2, SW/4, SW/4; and the E/2, E/2, SW/4, SW/4, SE/4; of Section 5, Township 20 North, Range 13 East, Tulsa County, Oklahoma.

9759

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670) of the setback requirements from 85' to 60' from the centerline of Harvard Avenue; and a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630) to permit building across a lot line in an RS-1 District located at 6733 South Gary Avenue.

Presentation:

Don King, representing the owner, applied for a variance in setback of 25' from the centerline of Harvard Avenue, in order to construct a game room in back of the applicant's home. Mr. King advised that the game room will be 21' x 26' and submitted a plot plan (Exhibit "B-1") showing the proposed location of the game room on the property. Mr. King advised that there is not ample room between the home and the swimming pool to erect the game room and the proposed location on the property was chosen because it would not interfere with the piping for the septic tank. He also submitted a communication (Exhibit "B-2") from the area residents having no objections to the game room being built on the subject property.

Protests: None.

12.1.77:249(3)

9759 (continued)

Board Action:

On MOTION of SMITH, the Board 4-0 (Jolly, Smith, Walden and Purser "aye", Guerrero, "absent") approved a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670) of the setback requirements from 85' to 60' from the centerline of Harvard Avenue; and 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 subject to the plot plan submitted, and as presented on the following described tract:

The South 68' of Lot 3; and the North 69' of Lot 4, Block 1, Braniff Hills Annex Addition to the City of Tulsa, Oklahoma.

9760

Action Requested:

Appeal (Section 1650 - Appeals from the Building Inspector - Appeal from a decision of the Building Inspector for refusing to allow a residence to be expanded in a CH District located at 1550 East Apache Street.

Presentation:

Hazel Owens, 1550 East Apache Street, applied to add on to her existing home which she stated would be more economical than buying a larger home. Mrs. Owens stated that she has lived at the location for twenty-three years before the area was zoned CH, and she can not afford to buy another home. Mrs. Owens submitted a plot plan (Exhibit "C-1") showing the proposed addition.

Board Member Smith, moved to uphold the decision of the Building Inspector, later withdrawing the motion for re-advertising of the application.

Board Member Jolly, advised that the application is incorrectly advertised and suggested a continuance of the application for re-advertisement adding that if the application is not correctly advertised, the Board will have to deny the application.

Protests: None.

Board Action:

On MOTION of SMITH, the Board 4-0 (Jolly, Smith, Walden and Purser "aye", Guerrero, "absent") continued application #9760 until December 15, 1977, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center, and requested that the Staff re-advertise at the Board's expense.

9761

Action Requested:

Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1209 - Mobile Homes) to locate a mobile home in an AG District located south and west of 161st Street and Yale Avenue.

9761 (continued)

Presentation:

Jimmy Blevins, Route 2, Box 326-1, Bixby, Oklahoma, applied to locate a mobile home on the subject property as his residence. Mr. Blevins advised the Board of other mobile homes in the area.

Protests: None.

Board Action:

On MOTION of SMITH, the Board 4-0 (Jolly, Smith, Walden and Purser "aye", Guerrero, "absent") approved an Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1209 - Mobile Homes) to locate a mobile home in an AG District for a period of five-years on the following described tract:

The North 290' of the South 870' of the East 610' of the W/2 of the NE/4 of Section 28, Township 17 North, Range 13 East, Tulsa County, Oklahoma.

9762

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 (6) - Mobile Homes) to locate a mobile home in an RS-2 District located at 11504 East 14th Street.

Presentation:

Mary Wickman, representing Pat Koker, applied to locate a mobile home on the subject property for her mother-in-law and father-in-law. Mrs. Wickman advised that this would enable them to live near Mrs. Koker and maintain their privacy. She stated that they are requesting to locate the home there on a temporary basis approximately two years. Mrs. Wickman stated that the mobile home will be located approximately 150' to 175' from the street. She advised the Board of other mobile homes in the area and the residents had no objections to the mobile home being located on the subject property.

Mrs. Pat Koker, 7521 East 55th Street, advised that the mobile home will be at the subject location for two years and will be in back of her home. Mrs. Koker stated that her mother-in-law prefers her own privacy. Upon questioning by the Board, Mrs. Koker stated that the mobile home will be located on the south and east side of her home and she does not fear flooding of the mobile home.

Protests:

Charles Hall stated that he owns property on the corner from the subject property and questioned the length of time the mobile home would be located there. He added that he was of the impression that the home was up for sale and the homes in the area sold for between \$60,000 and \$75,000.

Board Action:

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

12.1.77:249(5)

9762 (continued)

W/2 of Lot 3, All of Lot 4, Block 8, Elmhurst Addition to the City of Tulsa, Oklahoma.

9764

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670) for a variance of the front setback requirements from 25' to 20' in an RS-3 District located at 7809 East Independence.

Presentation:

Gene Andrew, 7809 East Independence, advised that he owns his home and is requesting the variance because he constructed a porch onto his home without obtaining a building permit. Mr. Andrew stated that he was unaware of obtaining a building permit and when the Building Inspector arrived, the porch was near completion. He submitted a plat of survey (Exhibit "D-1") and a rendering (Exhibit "D-2") showing the proposed porch, adding that the porch is an open type and adds to the property and does not hamper the view of traffic. Mr. Andrew further added that the porch has limestone around the edge with the roof being of cedar lumber and costing approximately \$3,000.00. He noted that he has owned the subject property for twenty-four years, therefore, he would not make an addition to the property that would degrade the neighborhood.

Protests:

John C. Kayser, 7832 East Independence advised that he resides in the neighborhood and feels that the porch is a disgrace to the neighborhood. Mr. Kayser stated that the porch was built without a permit and when the applicant was informed by the Building Inspector to stop construction, the applicant continued. Mr. Kayser felt that the construction does not comply with the type construction that should be on this type of a house, adding that it would be acceptable for a back porch. He further added that he felt sufficient notices were not given.

Interested Party:

Mrs. Whitson, 806 North 78th East Avenue, advised that she has owned her property for twenty-four years which is in view of the porch. She added that during this time she has witnessed homes in the area deteriorating, but stated that this is not true with Mr. Andrew's home. She advised that the applicant has maintained the property very well and the porch does add to the neighborhood as well as to his home. She stated that she is speaking on behalf of six people who also support the porch, adding that the applicant has made the neighborhood a very lovely place and we feel the porch should be allowed to remain.

Board Action:

On MOTION of SMITH, the Board 4-0 (Jolly, Smith, Walden, and Purser "aye", Guerrero, "absent") approved a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670) of the front setback requirements from 25' to 20' in an RS-3 District as presented on the following described tract:

Lot 21, Block 6, Maplewood Third Addition to the City of Tulsa, Oklahoma.

12.1.77:249(6)

9764 (continued)

Comment:

Board Member Smith, advised that the company with whom he is employed drew the applicant's plat of survey, but he was not employed with the company at the time.

9766

Action Requested:

Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1205 - Community Services, Cultural and Recreational Facilities) to use the property for a public park. Improvements will consist of the following: Nature center, interpretive building, shelter observation towers, parking, group camping site, outdoor conference area and foot trail in an AG District located at Mohawk Park.

Presentation:

Randy Nicholson, representing the City of Tulsa, Park and Recreation Department advised that they are proposing to install public recreational facilities to include a nature center, parking areas, nature trails and group shelter areas for outdoor classrooms. He advised that the project has been planned since 1975 and the building will be entitled the "Mary Oxley Nature Center", and advised that this would be an improvement to the Mohawk Park area. Mr. Nicholson advised that the entire tract includes 360 acres on the north portion of the park where other development will occur. He advised that a portion of old Highway 69 will be abandoned for access to the development as well as access from Mohawk Boulevard. Mr. Nicholson added that the building will be approximately 4,000 square feet which will include an office, library, conference room, etc., with a ground elevation of 601'. He advised that the property is within the moratorium area and they will have to pursue a moratorium exception, subject to the decision of the Board. Mr. Nicholson submitted a site concept map (Exhibit "E-1") as well as a Mohawk Park Plan (Exhibit "E-2") of the proposed project and stated that only that portion of the property shown on the map will be used and if not shown, it will not be utilized at this time.

Interested Party:

Dick Sheron, advised that he is involved with a private citizen's group that has worked with the park to help get the project started and advised that except for the location of the building, other uses will be minor. Mr. Sheron asked the Board to approve the exception in order that the project can get underway and become a recreational facility for the public.

Protests: None.

Board Action:

On MOTION of SMITH, the Board 4-0 (Jolly, Smith, Walden and Purser "aye", Guerrero, "absent") approved the Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1205 - Community Services, Cultural and Recreational Facilities) to use property for a public park. Improvements will consist of the following: Nature center, interpretive building, shelter, observation towers,

9766 (continued)

parking, group camping site, outdoor conference area and foot trail in an AG District as presented, and subject to the approval of the building elevation by the City Engineer to be filed with the Board of Adjustment and subject to the building moratorium waiver by the City Commission on the following described tract:

The S/2 of Section 11, Township 20 North, Range 13 East;
and the SE/4 of Section 10, Township 20 North, Range 13
East, Tulsa County, Oklahoma.

(Walden out at 2:30 p.m.)

9767

Action Requested:

Variance (Section 930 - Bulk and Area Requirements in the Industrial Districts - Under the Provisions of Section 1670) of the setback requirements on the east, west and south; and an Exception (Section 250.3 (d) - Modification of the Screening Wall or Fence Requirement) of the screening wall on the south and east where the purpose of the screening can not be achieved in an IL District located southwest of Owasso and Independence.

Presentation:

C. O. Loveless, 615 North Rockford Avenue, advised that he has applied for a variance of the setback requirements on the east, west and south to erect a 36' x 90' building. Mr. Loveless noted that he purchased the property twenty-five years ago which was zoned IL and stated that he owns a business which is expanding. The applicant submitted a plot plan (Exhibit "F-1") showing the location of proposed building on the two lots. He further advised that he is requesting the modification of the screening wall because to the east of the subject property is a vacant lot, which he has contacted owners about purchasing, to the south is an alley and he does propose to erect a screening wall on the west side of the subject property.

Interested Party:

Carl Taylor, area resident, advised that he owns seven lots across the street from the subject property and has resided in the area for thirty years and has spoken with others in the area and they felt it would be an asset to the neighborhood.

Board Action:

On MOTION of JOLLY, the Board 3-0 (Jolly, Smith and Purser "aye", Walden and Guerrero, "absent") approved the Variance (Section 930 - Bulk and Area Requirements in the Industrial Districts - Under the Provisions of Section 1670) of the setback requirements on the east, west and south; and an Exception (Section 250.3 (d) - Modification of the Screening Wall or Fence Requirements) on the screening wall on the south and east where the purpose of the screening cannot be achieved subject to the plot plan submitted and as presented on the following described tract:

Lots 13 and 14, Block 1, Frisco Addition to the City of
Tulsa, Oklahoma.

12.1.77:249(8)

9768

Action Requested:

Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1220 - Commercial Recreation: Intensive) to operate a go-cart in an AG District located in the 7200 block on North Mingo Valley Expressway.

Presentation:

Paul Young, 7209 South Denver Avenue, applied to locate a go-cart track at the subject location. Mr. Young stated that the track will be 192' in width and 170' in length, located on North Mingo approximately between 69th and 72nd Streets. He advised that the access will be from the service road on the east side of the Mingo Valley Expressway. The applicant informed the Board of a letter he had received from the company which builds the engines used in the go-carts, advising that the engines are of low noise level because of the type of mufflers used. Mr. Young advised that the Board previously approved a golf driving range, baseball batting machine and a building approximately 12' x 20' on the subject property.

Protests: None.

Board Action:

On MOTION of JOLLY, the Board 3-0 (Jolly, Smith and Purser "aye", Walden and Guerrero, "absent") approved the Exception (Section 310-Principal Uses Permitted in the Agriculture District - Section 1220 - Commercial Recreation: Intensive) to operate a go-cart track in an AG District as presented on the following described tract:

The W/2, SW/4, NW/4 of Section 32, Township 21 North, Range 14 East, Tulsa County, Oklahoma.

9769

Action Requested:

Variance (Section 730 - Bulk and Area Requirements in Commercial Districts - Under the Provisions of Section 1670) of the frontage requirements in a CS District (Proposed lot has 388' of frontage on a private street.), located at 68th Street and Memorial Road.

Presentation:

Roy Johnsen, Attorney, representing Tulsa Associates, advised that the subject property is located in a CS District. The Code requires 150 feet of frontage on a dedicated street and 50' on a nonarterial street. He advised that the subject tract was initially platted as one lot for the entire block, which is on the south side of 68th Street, to the north and slightly west of Woodland Hills Mall. Mr. Johnsen advised that they are proposing to split the tract into two lots with access to be limited to the ring road which is a private street, except where it connects with 68th Street.

Protests: None.

Board Action:

On MOTION of SMITH, the Board 3-0 (Jolly, Smith and Purser "aye", Walden and Guerrero, "absent") approved the Variance (Section 730 - 12.1.77:249(9)

Bulk and Area Requirements in Commercial Districts - Under the Provisions of Section 1670) of the frontage requirements in a CS District (Proposed lot has 388' of frontage on a private street.) as presented, on the following described tract:

All that part of Lot 1, Block 2, Woodland Hills Mall, Blocks 2, 3, 4 and 5, to the City of Tulsa, Tulsa County, Oklahoma, according to the official recorded plat thereof, more particularly described as follows, to-wit: Beginning at a point in the Southeasterly boundary of said Lot 1, 151.65' from the most East South-east corner (West right-of-way of East 68th Street South); thence 61°-07'-30" West along the Southeasterly boundary of said Lot 1, a distance of 388.00'; thence North 28°-52'-30" West a distance of 102.47'; thence North 0°-03'-42" East a distance of 144.66' to a point 178.50' from the North boundary of said Lot 1; thence due East parallel to the North boundary of said Lot 1, a distance of 363.15'; thence South 28°-52'-30" East a distance of 53.70' to the point of beginning, containing 56.565 square feet or 1.29855 acres.

9770

Action Requested:

Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1217 - Automotive and Allied Activities) to operate an automatic tire sales and service store in a CS District located NW of 31st Street and 129th East Avenue.

Presentation:

Charles Chapel, Attorney, representing the Hesselbein Tire Company, Inc., advised that they are proposing to locate a retail and automatic tire company on the NW corner of 31st Street. Mr. Chapel advised that the other three corners of the intersection are presently undeveloped. He submitted a site plan (Exhibit "G-1") and an elevation plan (Exhibit "G-2") of the proposed project and advised that the building is of brick veneer with facilities for a tire sales outlet. Mr. Chapel advised that there would be no heavy mechanical work and the business will be primarily a business for sale of tires.

Interested Party:

Glen McKitrick, of Hesselbein Tire Company, advised that the hours of operation will be determined according to the amount of business, but approximately 7:00 a.m. until 6:00 p.m., with plans to be open later on Fridays and Saturdays. Upon questioning by the Chairman, Mr. McKitrick was aware of the church to the west of the subject property and advised that the business will not be open on Sundays.

Mr. Gardner of the Staff, advised that the Board should be concerned that there is no outside storage of tires or equipment and all work shall be performed inside of the building.

Protests: None.

Board Action:

On MOTION of JOLLY, the Board 3-0 (Jolly, Smith and Purser "aye", Walden and Guerrero, "absent") approved an Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1217 - Automotive and Allied Activities) to operate an automatic tire sales

9770 (continued)

and service store in a CS District subject to there being no outside storage of tires or other materials, that all work be performed within the structure as presented, on the following described tract:

A tract of land situated in the E/2 of the SE/4 of Section 17, Township 19 North, Range 14 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U. S. Government Survey thereof, and being in Lot 1, Block 1, Blue Robb Addition, a Subdivision in Tulsa County, State of Oklahoma, more particularly described as follows to-wit: Beginning at a point 50' North and 50' West of the SE corner of Section 17; thence North $89^{\circ}-52'-49''$ West a distance of 237.52'; thence North $00^{\circ}-09'-07''$ West a distance of 431.84'; thence South $89^{\circ}-52'-49''$ East a distance of 237.52'; thence South $00^{\circ}-09'-07''$ East a distance of 432.34' to the point of beginning, containing 2.36 acres.

9771

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; and for a waiver of the screening requirements in an RS-3 District located NW of 13th Street and Xanthus Avenue.

Presentation:

The applicant was not present. The Chairman asked if there were protestants present. There were approximately five present and were represented by Mr. Don Barnum.

Protests: Five present.

Don Barnum, representing his mother who is a property owner and representative of other protestants in the area, advised that he was of the opinion that the church is conducting an illegal operation.

The Chairman advised that the applicant was not present to make the presentation and it was proper for the Board to continue the application until the next scheduled meeting.

Board Action:

On MOTION of JOLLY, the Board 3-0 (Jolly, Smith and Purser "aye", Walden and Guerrero, "absent") continued application #9771 until December 15, 1977, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center and instructed the Staff to advise the applicant that the case will be heard and action taken at that time and requested that the Building Inspector's Office instruct the church to "cease operation" until their appearance before the Board on the following described tract:

Lots 10 and 11, Block 1, Regina Addition to the City of Tulsa, Oklahoma.

9773

Action Requested:

Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1209 - Mobile Homes) to locate a mobile home in an AG District located at 5657 South 81st West Avenue.

Presentation:

The applicant, A. R. Smith, applied to locate a mobile home on the subject property which is a 7.5-acre tract. Mr. Smith advised that he is requesting to locate the mobile home on the subject property for his residence until he can build his home. He stated that he plans to build his home in about one or two years which will take approximately six or eight months for completion. He advised that he has installed the necessary facilities for a permanent residence and is requesting the mobile home on the subject property only temporary. He further advised that he has been living in the area for three or four months and was unaware of the requirements to come before the Board. The applicant advised that he proposed to set the mobile home 100' back from and to the right of 81st Street on the front of the property, which is approximately 60' from 81st Street. He advised the Board of other mobile homes in the area and stated that after construction of his home is completed, he will remove the mobile home.

Board Member Jolly, informed the applicant that since only five acres of the 7 1/2 acres he owns has been advertised, he could not put the mobile home on the front two acres of the subject property if approved. Mr. Jolly stated that since the property was not properly advertised, the Board could not approve the mobile home on the front of the tract and suggested a continuance for readvertisement.

Protests: None.

Board Action:

On MOTION of JOLLY, the Board 3-0 (Jolly, Smith and Purser "aye", Walden and Guerrero, "absent") continued application #9773 until December 15, 1977, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

9775

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 (2) - Home Occupation) to sell flower pots and wrought iron planters in an RS-3 District located at 1245 South Newport Avenue.

Presentation:

Glenda Dodson, 1245 South Newport Avenue, applied to sell flower pots and wrought iron planters at the subject location. She advised that when she appeared before the Board in October 1977, the protestants to her application misunderstood it and assumed she was applying to change the zoning, therefore she is reappearing. She advised the Board of offices in the area and felt that by granting her application, she would not be setting a precedent in the neighborhood. She further advised that she proposed to install a door and window at the garage door and does have ample parking.

12.1.77:249(12)

9775 (continued)

The Chairman questioned the applicant appearing before the Board before the usual six month's waiting period. Mr. Jolly stated that as a rule of procedure, an applicant must wait six months to reappear once an application has been denied, unless there is something new to present, and in his opinion, the applicant hasn't presented anything new.

Mr. Jones of the Staff, advised the applicant is requesting the earlier hearing based on what she feels was a misunderstanding by the protestants that her application would change the zoning in the area.

Interested Party:

Carla Lund, 1220 South Owasso Avenue, advised that she, along with other area residents had previously protested Mrs. Dodson's application (protest petition previously submitted) because she misunderstood and thought the applicant was applying for a change in zoning. However, ^{Mrs. Dodson} Mrs. Lund submitted a petition (Exhibit "H-1") and advised that she, along with other area residents do wish the area to remain residential, ^(as protested by Mrs. M. L. Howard) but have no objections to Mrs. Dodson selling plants, flower pots and accessories at her residence.

*Amended
May 4, 1978
J.D.*

Mrs. Howard, 1227 South Newport Avenue, stated that her husband signed the first petition (protest petition) without reading it and was unaware of Mrs. Dodson applying for a zoning exception. She stated that because of the other businesses in the area she has no objections to Mrs. Dodson selling flower pots from her garage.

Protests:

There were protestants present that did not speak.

Board Action:

On MOTION of JOLLY, the Board 3-0 (Jolly, Smith and Purser "aye", Walden and Guerrero, "absent") continued application #9775 until April 20, 1978, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

9776

Action Requested:

Variance (Section 930 - Bulk and Area Requirements in the Industrial Districts - Under the Provisions of Section 1670) of the setback requirements to permit building 5' from the north; and 65' from the centerline of Newton Place on the south in an IL District located on the NE corner of Troost Avenue and Newton Place.

Presentation:

Attorney Jim Shofner, representing the applicants, applied for a variance in the setback line on the north and south sides of the subject property. Mr. Shofner advised that the subject property consists of three lots and is requesting a 5' setback from the north and 65' setback from the centerline of Newton Place on the south with applicable screening. He advised that they would observe the setback lines on the east and west. Mr. Shofner stated

9776 (continued)

that the area is mostly commercial except the property to the north which is planned for industrial, but remains zoned single-family residential. Mr. Shofner added that the applicants are proposing to locate a 100' x 50' machine shop on the back portion of the property and will be abutted by another commercial building to the east. Mr. Shofner stated that the applicants do not anticipate any outside storage, but if there should be outside storage, it would be a very little amount that would be kept within the 5' setback on the north and below the level of a screening fence. Upon questioning by the Board, the applicant was aware of the requirements of a screening fence.

Protests: None.

Board Action:

On MOTION of JOLLY, the Board 3-0 (Jolly, Smith and Purser "aye", Walden and Guerrero, "absent") approved the Variance (Section 930 - Bulk and Area Requirements in the Industrial Districts - Under the Provisions of Section 1670) of the setback requirements to permit building 5' from the north and 65' from the centerline of Newton Place on the south, per plot plan, and as presented in an IL District located on the NE corner of Troost Avenue and Newton Place, described as follows:

Lots 7, 8, and 9, Block 5, Utica Addition to the City of Tulsa, Oklahoma.

OTHER BUSINESS:

Concept Plans for Case No. 8784:

The Staff advised that the Board had approved the Jenks School Complex, subject to a concept plan and the actual buildings do not now meet the concept plan because they were required to be changed to meet the drainage plans.

On MOTION of SMITH, the Board 3-0 (Jolly, Smith and Purser "aye", Walden and Guerrero, "absent") approved the revised site plan.

Building Inspector requests an interpretation of Case #9000:

The Staff advised that the Building Inspector requested an interpretation of a sign in regard to the property at 4309 East 31st Street which is a nonconforming use in a CH District.

The Building Inspector's Office advised that the applicant made application for a 300 square foot sign, but the applicant is not permitted more than 32 square feet in an office zoning District. Mrs. Miller stated that the minutes reflect that Mr. Gardner suggested that the Board be concerned with how much sign area should be permitted, but it was not designated in the Board action.

Mr. Jolly stated that it was the intent of the Board to have the opportunity to review the signs placed on the property since the property is not zoned commercial.

Other Business: (continued)

Review:

Mr. Ted Spangenberg advised that he had suggested that each tenant put up a small sign since it is a commercial business, as a means of the tenants displaying their businesses off 31st and the sign be arranged in a manner that would be attractive to the neighborhood.

Mr. Gardner of the Staff, suggested that the Board set a maximum of 150 to 200 square feet and if the sign should exceed that, the applicant could come back before the Board with plans to show how it might be appropriate in that area.

On MOTION of JOLLY, the Board 3-0 (Jolly, Smith and Purser "aye", Walden and Guerrero, "absent") approved the sign to be a maximum of 200 square feet of display surface area.

There being no further business, the Chair declared the meeting adjourned at 4:00 p.m.

Date Approved

January 5, 1978

Atty Purser
Chairman