

BOARD OF ADJUSTMENT
MINUTES of Meeting No. 253
Thursday, February 2, 1978, 1:30 p.m.
Langenheim Auditorium, City Hall
Tulsa Civic Center

MEMBERS PRESENT

Jolly
Lewis, in 1:36 p.m.
Smith
Walden
Purser, Chairman

STAFF PRESENT

Edwards
Gardner
Jones
Dyer, Mrs.

OTHERS PRESENT

Jackere, Legal Dept.,
Miller, Mrs., Building
Inspector's Office

The notice and agenda of said meeting was posted in the Office of the City Auditor, 9th Floor, Room 919, City Hall, Tulsa, Oklahoma on January 31, 1978 at 2:25 p.m., as well as in the Reception Area of 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 JOLLY, the Board 4-0 (Jolly, Smith, Walden and Purser "aye"; Lewis "absent") approved the Minutes of January 5, 1978, (No. 251).

UNFINISHED BUSINESS:

9820

Action Requested:

Exception (Section 410 - Principal Uses Permitted in the Residential Districts - Section 440 (2) - Home Occupations) to operate a home beauty shop in an RS-3 District located at 1437 East 52nd Place.

Presentation:

The applicant was not present. The Staff advised that the applicant had been notified by mail that the case would be heard on February 2, 1978 and her presence was requested. The letter stated that the Board would take action on the case whether or not she was present.

Board Member Jolly stated that the applicant was not present to explain her plans and she was informed that the case would be heard whether or not she was present.

Protests: Approximately six present.

Board Action:

On MOTION of JOLLY, the Board 5-0 (Jolly, Lewis, Smith, Walden and Purser "aye") denied the Exception (Section 410 - Principal Uses Permitted in the Residential Districts - Section 440 (2) - Home Occupations) to operate a home beauty shop in an RS-3 District on the following described tract:

Lot 30, Block 8, Lecrones Lazy "L" Addition to the City of Tulsa, Tulsa County, Oklahoma.

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; and a Variance (Section 240.2 (3) - Permitted Yard Obstructions - Under the Provisions of Section 1670) of the size of an accessory building from 750 square feet to 1,200 square feet in an RS-3 District located at 4705 South Santa Fe Avenue.

Presentation:

C. C. Cline, 4705 South Santa Fe Avenue, applied to locate a mobile home on the subject property and advised that he does own the property. Mr. Cline stated that he is semi-retired but travels quite frequently. He has in-laws that are in need of attention, and if he is allowed to locate the mobile home on the subject property, with someone residing there, it would protect against vandalism. He also applied for a variance to build an accessory building larger than permitted by the Ordinance. Mr. Cline added that the proposed building would be used as a shop and for his own personal use. The applicant submitted a plot plan (Exhibit "A-1") showing the layout of the proposal. Mr. Cline stated that he has contacted all surrounding property owners and they have expressed no objection to his proposal. Upon questioning by the Chair, the applicant stated that the building will not be used other than his own personal use.

Mr. Gardner stated that the applicant was requesting 450 square feet more than the Code allowed and the applicant should be made aware that the proposed building could not be used for a business of any kind in the future.

The Chairman informed the applicant that the Board could approve the mobile home on the subject property for one year, and after that time if he wished to maintain the mobile home he must come before the Board at the end of the year. She also asked the applicant if the building would be used for car storage, or if the applicant planned to perform work on cars and charge for the labor of services rendered. The applicant replied that occasionally he would possibly store his car in the building, but would not perform work on other cars.

Board Member Jolly expressed concern with the applicant selling the lots and Mr. Cline replied that he is semi-retired and has no intention of selling the lots.

Protests: None.

Board Action:

On MOTION of JOLLY, the Board 5-0 (Jolly, Lewis, Smith, Walden and Purser "aye") approved the Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 (6) - Mobile Homes) to locate a mobile home on the subject property for one year; and approved the Variance (Section 240.2 (3) - Permitted Yard Obstructions - Under the Provisions of 1670) of the size of an accessory building from 750 square feet to 1,200 square feet, subject to the approval being for accessory purposes only as presented, no signs permitted, and if the subject property should ever be divided or sold, the building can not be used for business purposes on the following described tract:

Lot 1, Block 1, Suburban Highlands Addition to the City of Tulsa, Oklahoma.

2.2.78:253(2)

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 in the 1300 block of South 135th East Avenue.

Presentation:

Jess Dye, 329 North 87th East Avenue, applied to locate a mobile home on the subject property and advised that he owns 3 3/4 acres and is requesting to locate the mobile home on 1.25 acres while the remaining property will be used by his son. Mr. Dye stated that he had his wife propose to reside at the mobile home. The applicant advised of other mobile homes to the west of the subject property.

Mr. Gardner, TMAPC Staff, advised that the building to the south is the Harvey Young Airport and there are other mobile homes and nonconforming businesses in the area.

The Chairman questioned the applicant as to why he was not located in a mobile home park and the applicant replied that he owns the subject property and would have more room in addition to being able to live cheaper.

Protests: None.

Board Action:

On MOTION of SMITH, the Board 5-0 (Jolly, Lewis, Smith, Walden and Purser "aye") approved the 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, on the following described tract:

Lot 3, Block 7, Romoland Addition to the City of Tulsa, Oklahoma.

Action Requested:

Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1217 - Automotive and Allied Activities) to construct a car wash in a CS District; and a Variance (Section 730 - Bulk and Area Requirements in Commercial Districts for a variance of the frontage from 150' to 65'; and an Exception (Section 250.3 (d) - Modification of the Screening Wall or Fence Requirements) to remove the screening requirements where the screening requirements cannot be achieved located at 3801 South Harvard Avenue.

Presentation:

James D. Elliott, 4400 South Harvard Avenue, applied for an Exception to permit a car wash on the subject property. Mr. Elliott submitted a plot plan (Exhibit "B-1") and advised that the subject property is located on the southwest corner of 38th Street and Harvard Avenue, and that the area is commercially oriented. To the north is a strip center for commercial activities and a heavy concentration of residences in the area. He advised that the subject property, Lot 9, Block 4, is a commercial lot and has been used for other commercial uses. The applicant stated that the car wash will consist of four bays, each 17' in width and 14' in height

and that there are catch basins for the car wash, therefore, he could foresee no drainage problem. He felt that the subject location is appropriate for his proposal. Mr. Elliott also stated that he requested an exception for screening modifications but the request was made in error, because at present there is a 6' screening fence on the east property line.

Board Member Lewis questioned the most recent use of the property and the applicant replied that there are underground tanks presently located on the property that are indications that a service station was the most recent use.

Mr. Gardner, TMAPC Staff, advised that the Board should be concerned with the arrangement of the car wash with regard to the spraying water and also the hours of operation.

Protests:

Attorney, Sam Bratton, 1200 Atlas Building, representing the Dobbs House, Inc., owner of the Steak and Egg Restaurant next door to the subject car wash, advised that they were protesting the car wash because of its being a 24-hour, coin operated facility. Mr. Bratton stated that the jet spray could present problems and the lot is only 65' which would make it difficult to locate the car wash which would cause interference with the Restaurant. Mr. Bratton added that with the car wash being open 24 hours, as well as the Restaurant, it will cause congestion during peak hours as they feared car wash customers would use their property for parking and drying cars. Mr. Bratton also expressed concern with the trash and noise that accompanies a car wash and felt it is not compatible with the area. Mr. Bratton also felt that the proposed car wash would cause a drainage problem and be detrimental to the Restaurant as well as the homes in the area. He advised that the most recent use of the property was a photo mart.

Ida Blackburn, 3724 South Gary Place felt that the proposed car wash would cause traffic congestion as well as be a detriment to the neighborhood. She stated that the drainage is poor and the trash is a problem. Mrs. Blackburn added that she has been cleaning up trash in the area and fears more trash would be created if the proposed car wash is allowed.

Board Action:

On MOTION of SMITH, the Board 5-0 (Jolly, Lewis, Smith, Walden and Purser "aye") denied the Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1217 - Automotive and Allied Activities) to construct a car wash in a CS District; and a Variance (Section 730 - Bulk and Area Requirements in Commercial Districts) for a variance of the frontage from 150' to 65'; and an Exception (Section 250.3 (d) - Modification of the Screening Wall or Fence Requirements) to remove the screening requirements where the screening requirements cannot be achieved on the following described tract:

North 65' of Lot 9, Block 4, Eisenhower Third Addition to the City of Tulsa, Oklahoma.

9827

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 an RS-3 District located at 2727 East 44th Street North.

Presentation:

The Staff advised that the applicant was not present.

Protests: None.

Board Action:

On MOTION of JOLLY, the Board 5-0 (Jolly, Lewis, Smith, Walden and Purser "aye") continued application #9827 until February 16, 1978, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

9828

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts- Under the Provisions of Section 1670) of the front setbacks from 25' to 20' on Lots 2, 3, 14 and 15, Block 3; and a variance of the side setbacks from 25' to 15' on Lot 13, Block 2; and Lots 1, 2, 8, 9 and 14, Block 3; and Lots 4, 5 and 21, Block 4; All Lots located in an RM-1 District in the Belmont Hills Addition located at the NW corner of 91st Street and Sheridan Road.

Presentation:

Jerry Farrar, Chief Engineer at Breisch Engineering Company, Inc., 420 South Boulder Avenue, representing the developer advised that he appeared before the Board on October 6 and presented a plan containing patio homes on 92 lots and received approval for a waiver of the building setback line. He advised that his revised plan is for a variance on the front and side setback building lines to build single-family homes. The applicant submitted a plat (Exhibit "C-1") of the proposed plan.

Board Member Smith, asked the applicant if the plat had been submitted to the T.A.C. for its review and the applicant replied that it had not. Mr. Smith then suggested a continuance in order that the T.A.C. could review the plat.

Mr. Gardner, TMAPC Staff, stated that the property is zoned multifamily and the previous development which the Board approved had been submitted to the T.A.C. to be reviewed and they had no problem.

Board Member Jolly questioned the hardship and the applicant stated that the property is narrow and they are proposing two residential streets.

Protests: None.

Board Action:

On MOTION of SMITH, the Board 5-0 (Jolly, Lewis, Smith, Walden and Purser "aye") continued application #9828 until March 2, 1978, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

2.2.78:253(5)

Action Requested:

Exception (Section 250.3 (d) - Modification of the Screening Wall or Fence Requirements) to remove the screening requirements where the purpose of the screening requirements cannot be achieved in an IL District located at the SE corner of 1st Street and Rockford Avenue.

Presentation:

Mr. T. L. White, 4749 South Columbia Place, applied for a waiver of the screening requirements of the subject property which is the old Washington School site, 390' east of Rockford and advised that there is presently a hedge screening fence that will provide ample separation. The applicant submitted 21 photos (Exhibit "D-1 through 21") showing the subject property and the screening fence already erected. Upon questioning by the Board, the applicant stated that the screening fence would be maintained as is. He added that on the southwest is a retaining wall approximately 7' high in addition to the screening fence. Mr. White stated that the property is zoned IL light industrial. He advised the Board of other businesses in the area and stated that since the other property in the area will be zoned light industrial in the next 10 years he felt the screening requirements could be waived.

Board Member Lewis questioned the Board's knowledge of whether the screening fence would be maintained as well as the height requirements of the fence.

Board Member Jolly stated that if the fence is not maintained the neighbors would notify the Building Inspector's Office or the Board Members could drive by the area.

Protests: None.

Board Action:

On MOTION of JOLLY, the Board 5-0 (Jolly, Lewis, Smith, Walden and Purser "aye") approved the Exception (Section 250.3 (b) - Modification of the Screening Wall or Fence Requirements) to remove the solid surface fence screening requirements in lieu of the existing hedge screen being maintained on the following described tract:

Lots 5 and 6, Block 1, Midway Addition and beginning at a point 60' south and 30' east of the northwest corner of the SE/4 of the NW/4 of Section 6, Township 19 North, Range 13 East; thence south 300'; thence east 300'; thence north 300'; thence west 300' to the point of beginning and the land vacated by the City Ordinance #1766, dated September 11, 1917, west of Lots 5 and 6, and the land vacated by City Ordinance #2002, September 21, 1923, east of Lots 5 and 6, Midway Addition to the City of Tulsa, County of Tulsa, State of Oklahoma, according to the recorded plat thereof.

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 east of Peoria Avenue on 55th Street.

Presentation:

Wilson Moore, 4542 South 23rd West Avenue, applied to use the subject property for additional church parking. Mr. Moore stated that the church has grown to a membership of approximately 1,200 people. The applicant submitted a plan (Exhibit "E-1") and advised that they wished to cease parking on the street in front of neighboring houses. Mr. Moore stated that all surrounding property owners have been notified and the plans have been approved by the City Engineering and Street Departments. He also stated that the subject parking is not paved but will be paved and blacktopped. Mr. Moore added that there will be drains and catch basins to control the water runoff. The applicant added that they are proposing 175 vapor lights and street lamps. Upon questioning by Board Member Jolly, the applicant stated that he was aware of the fencing requirements.

Protests:

Chuck Butler representing Leonard Butler, advised that they own property to the north of the subject property and are opposing all development until proper screening has been erected. Chuck Butler stated that a proper screening fence would correct a nuisance that was created in the past. Mr. Butler stated that an oral agreement has been reached between the applicant and Mr. and Mrs. Leonard Butler, but they prefer it be a record with the Board of Adjustment in order that it may be enforced.

Board Action:

On MOTION of JOLLY, the Board 5-0 (Jolly, Lewis, Smith, Walden and Purser "aye") approved the 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 per plot plan submitted, and subject to the applicant meeting the Board's required hard surfaced parking regulations and a 6' screening fence be required as shown on the plot plan on the north property line, and additionally along the entire east property line, south of 55th Street, and that a 3' berm or screening fence be constructed north of 55th Street, except for the driveway on the plot plan, and that all lighting be directed toward the parking areas and away from the residential neighborhood on the following described tract:

All that part of Lot 2 of Section 31, Township 19 North, Range 13 East of the Indian Base and Meridian, Tulsa County, Oklahoma, more particularly described as follows: Beginning 330' South of the NW corner of said Lot 2; thence East 330'; thence South 70'; thence West 330'; thence North 70' to the point of beginning, Tulsa County, Oklahoma, according to the U. S. Government Survey thereof.

All that part of Lot 2, Section 31, Township 19 North, Range 13 East of the Indian Base and Meridian, Tulsa County, Oklahoma, more particularly described as follows: Beginning 330' South of the NW

9833 (continued)

corner of said Lot 2; thence East 330'; thence South 165'; thence West 330'; thence North 165' to the point of beginning, according to the U. S. Government Survey thereof, except the North 70' thereof.

1322 East 55th Street -- Lot 3, Block 6, J. E. Nichols Subdivision, an Addition in Tulsa County, State of Oklahoma, according to the recorded plat thereof; Lot 2, Less NW 10 acres thereof, Section 31, T-19-N, R-13-E. of the IBM, Tulsa County, State of Oklahoma.

1326 East 55th Street -- Lot 4, Block 6, J. E. Nichols Subdivision, an Addition in Tulsa County, State of Oklahoma, according to the recorded plat thereof; Lot 2 Less NW 10 acres thereof, Section 31, T-19-N, R-13-E of the IBM, Tulsa County, State of Oklahoma.

1338 East 55th Street -- Lots 5 and 6, Block 6, J. E. Nichols Subdivision, an Addition in Tulsa County, State of Oklahoma, according to the recorded plat thereof; Lot 2, Less NW 10 acres thereof, Section 31, T-19-N, R-13-E of the IBM, Tulsa County, State of Okla.

1335 East 55th Street -- The East 105' of the West 435' of the S/2 of the S/2 of the NW 10 acres of Lot 2 of Section 31, T-19-N, R-13-E of the IBM, Tulsa County, State of Oklahoma, according to the United States Government Survey thereof.

5432 South Quincy Avenue -- The E/2 of the N/2 of the S/2 of a square 10-acre tract lying in the NW corner of Lot 2, Section 31, Township 19 North, Range 13 East of the IBM, Tulsa County, State of Oklahoma, according to the U. S. Government Survey thereof, being more particularly described as follows, to-wit:

Beginning 330' South and 638.8' West of the NE corner of Lot 2; thence West parallel to the North line of said Lot 2 a distance of 330'; thence South parallel to the West line of said Lot 2, a distance of 165'; thence East parallel to the North line of said Lot 2, a distance of 330' to a point; thence North parallel with the West line of said Lot 2, a distance of 165' to the point of beginning, said tract of land containing 1 1/4 acres, more or less.

1339 East 55th Street -- The West 100' of the East 225' of the North 140' of the South 165' of the S/2 of the NW 10 acres of Lot 2, Section 31, T-19-N, R-13-E of the IBM, Tulsa County, Oklahoma, according to the U. S. Survey thereof; and

The East 100' of the West 200' of the East 225' of the North 140' of the South 165' of the S/2 of the NW 10 acres of Lot 2, Sec. 31, T-19-N, R-13-E of the IBM, Tulsa County, Oklahoma, according to the U. S. Survey thereof.

9834

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670) of the setback requirements on a corner lot from 25' to 0' in an RS-3 District, located at 7322 East 76th Street.

Presentation:

Paul Meyer, 7322 East 76th Street, applied to construct a carport over the driveway of his home and advised that there is no other shed or protection to his garage against the summer sun. Mr. Meyer stated that without the protection of a carport, it is difficult to use the garage because of the summer heat. The applicant advised that the carport will be an open type structure and does blend in with the structure of the home. Upon questioning by the Chairman, the applicant stated that the home fronts on 76th Street and does have a side garage and he felt the proposed carport will be decorative to the home. Mr. Meyer added that the carport will also save on energy and will act only as a shed porch that may be removed at any time. He advised that there are no homes to the south of the subject property. Upon questioning by the Chairman, the applicant stated that he has shown the plan to the area residents and they have no objections to the proposed carport.

Protests: None.

Board Action:

On MOTION of JOLLY, the Board 3-1-1 (Jolly, Smith and Purser "nay"; Lewis "aye"; and Walden "abstaining") denied the Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670) of the setback requirements on a corner lot from 25' to 0' on the following described tract:

Lot 10, Block 19, of Resub. of Blocks 14 through 20, Quail Creek Addition to the City of Tulsa, Oklahoma.

9835

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) to allow the construction of a day care center in an RM-2 District; and a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630) - Minor Variance to permit building across lot lines in an RM-2 District located at 1121, 1127 and 1131 South Victor Avenue.

Presentation:

Larry Johnson, 900 World Building, representing Hillcrest Medical Center applied to locate a day care center on the subject property to be used only for the employees of Hillcrest Medical Center. Mr. Johnson stated that the property is located on Victor Avenue, across from the Hillcrest Medical Center parking lot. He advised that there are residences on the north and south side of the subject property. Mr. Johnson stated that Hillcrest Medical Center has had a day care center located in the basement of the hospital, but that location was

2.2.78:253(9)

not designed for a day care center. He advised that there are three houses on the property at present. Mr. Johnson advised that the day care center is proposed to be approximately 5,300 square feet in area, 11' in height, with a flat roof, painted gray, and of concrete block with the upper 18" steel beams. He further advised that the yard will be fully landscaped and secured and enclosed by a 6' fence. Mr. Johnson informed that the setback is 43' from South Victor and the side setback is 33'. He advised that there will be five parking spaces out front that will be used by those visiting the day care center for a short period of time. Mr. Johnson informed of a "U" shaped driveway that will cut down on congestion of traffic that will be used for off-street loading and unloading of children. He stated that the day care center is licensed for 87 children with two shifts not including a late night shift. There will be playground equipment consisting of tires, climbing equipment and etc. He advised that the Staff will consist of twelve people. The day care center is designed with a small kitchen, but they will use the hospital food service for meals. He added that the building is designed to be attractive and submitted a site plan (Exhibit "F-1") of the proposed day care center.

The Chairman questioned the overlap of the two shifts and asked if there would be twice as many children there during that time.

Mrs. Margaret Hines, Administrator for the Rehabilitation Services at Hillcrest Medical Center, stated that the license does allow for a fifteen minute overlap of the two shifts and advised that the day care center will not ever have both shift of children at the same time since their is staggared working hours for employees.

Interested Party:

Ellen Hitchcock, 2003 East 13th Place, representing the Terrace Drive Homeowners Association, advised that the Association was not protesting the new facility which would be an addition to the area, but was interested in the plans and preferred to be good neighbors.

Protests: None.

Board Action:

On MOTION of JOLLY, the Board 5-0 (Jolly, Lewis, Smith, Walden and Purser "aye") approved the Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) to allow the construction of a day care center as presented in an RM-2 District; and a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variance) to permit building across lot lines, subject to the plot plan submitted on the following described tract:

Lots 17, 18 and 19, Perryman Heights Addition to the City of Tulsa, Oklahoma.

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670) of the rear yard requirements from 20' to 11' in an RS-3 District located at 7682 East 58th Place.

Presentation:

The applicant Tom Sullivent, 7682 East 58th Place, applied for a variance to build a combination game and dining room. The applicant submitted a plot plan (Exhibit "G-1") of the proposed addition as well as Photos (Exhibit "G-2") and added that there will be no entrance or exit, therefore the addition does not present a problem. The applicant stated that he plans to extend the same type of roof as is on the house and in the neighborhood. The addition will contain approximately 550'. The applicant stated that his hardship is the triangle shape of his lot.

Mr. Gardner, TMAPC Staff, advised that there was a drainage problem, at least when the apartments were built, and the applicant should take this into consideration. Mr. Sullivent informed the Board of a drainage ditch that was constructed which now catches the water and diverts it.

Protests: None.

Board Action:

On MOTION of SMITH, the Board 5-0 (Jolly, Lewis, Smith, Walden and Purser "aye") approved the Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670) of the rear yard requirements from 20' to 11' per plot plan submitted on the following described tract:

Lot 1, Block 4, Woodland View Sixth Addition to the City of Tulsa, Oklahoma.

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts-Section 1207 - Duplex Dwellings) to erect two 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 rear yard requirements from 20' to 10', and of the setback requirements from 85' to 65' from the center line of Riverside Drive located between 24th and 25th Streets, East of Riverside Drive.

Presentation:

David Weaver, 4325 East 51st Street, advised that he and his associate Jack Lenhart purchased the property on Riverside Drive to build two duplexes, one on each lot. Mr. Weaver submitted a site plan (Exhibit "H-1") and elevation plans (Exhibit "H-2") of the proposed duplexes. Mr. Weaver advised that he was proposing duplexes on the lots with approximately 1,500 to 2,500 square feet of floor space per side. The applicant submitted a floor plan (Exhibit "H-3") and stated that each duplex will consist of a two car garage and a total development cost of approximately \$200,000. Mr. Weaver stated that the duplexes are designed

in a single layout to blend in with the homes in the area as well as for privacy of the tenants. He added that the design gave the appearance of a single-family residence and he felt they were not required to have a common party wall as long as the structures were connected and only one duplex per lot. Mr. Weaver stated that they are not committed to the final architecture or design presented, but felt the design presented is in keeping with the neighborhood. The applicant requested a setback of 65' from the center line of Riverside Drive and a rear yard setback of 10' and advised that because of the shape of the lot it is difficult to construct duplexes with the required setbacks. Mr. Weaver informed the Board of a brick fence on the east boundary of the south lot that will be maintained and not screened over and advised that he does plan extensive landscaping and upon completion, the units will be in keeping with the architecture in the area and the River Park area.

Protests:

M. A. Jackson, 11 East 25th Street, stated that his property abuts the development to the east. Mr. Jackson informed that there is a duplex in the area but the proposed duplexes do not appear to be duplexes and he is not in agreement with the design of the duplexes. Mr. Jackson stated that if the setback is granted then the duplexes would not align with the homes, therefore it will destroy the lot line.

The Chairman asked Mr. Jackson if he was protesting the architecture or the duplexes, and Mr. Jackson replied that the duplexes are not representative of the other homes in the area.

E. H. Wallis, 6 East 25th Street, advised that he resides to the south of the subject property and he felt the proposed duplexes are not compatible with the homes in the area. He stated that there are two-story structures in the neighborhood but in viewing the proposal he visualizes four separate buildings. He also added that the building setback, if granted, would obstruct view of traffic and would create a traffic hazard off 24th Street. Mr. Wallis stated that the proposed units do not appear to be duplexes. Therefore, he opposes the type duplexes or architecture in the area. He stated that there are various types of architecture in the area but he does not agree with the one chosen.

Board Member Jolly read from the Zoning Code the definition of a duplex and added that the Code does have restrictions as to lot size but not the type of design.

Roger Goodhead, 12 East 25th Street, resides to the south of the proposed complex and stated that the four separate structures will be detrimental to the neighborhood. Mr. Goodhead said that the lots are small and four structures on two small lots can be very detrimental and will lower the value of the neighborhood. He stated that he is not opposing the duplexes but is opposing the type structures because if others purchased lots in the area and preferred to build this type structure, the value of the homes will be lowered.

Howard Ward, 7 East 26th Street, advised that he has resided in the area for forty-two years and is concerned with whether the duplexes are four buildings or not. He informed that he preferred that the structures be in keeping with existing homes. He added that there are other duplexes in the area but they were built with the neighborhood in mind.

Board Member Lewis advised that he was concerned with the Board granting a design that would not fit in with the neighborhood, but that the applicant stated that he was not committed to the exterior appearance of the building, therefore he felt it could fit into the existing neighborhood.

The Chairman asked Mr. Jackere, Legal Department, for an interpretation of the Code and if the type structure presented could be defined as a duplex. Mr. Jackere stated that the structure presented by the applicant would qualify as a building and a duplex. After reading the Code a second time Mr. Jackere changed his opinion stating that the Code read "a roof" which he felt would mean one roof.

Board Member Jolly stated that a 65' setback from Riverside Drive would not be closer to the street than many of the existing homes. He also expressed concern as to whether each duplex is connected together by one roof as the Code is written.

Board Action:

On MOTION of JOLLY, the Board 5-0 (Jolly, Lewis, Smith, Walden and Purser "aye") approved the Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1207 - Duplex Dwellings) to erect two 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 rear yard requirements from 20' to 10'; and of the setback requirements from 85' to 65' from the center line of Riverside Drive subject to the plot plan submitted, and with the additional requirements that the applicant return with final elevations to be approved by the Board on the following described tract:

Lots 7 and 8, Block 9, Riverside Drive Addition to the City of Tulsa, Oklahoma.

Board Member Walden questioned whether the Board could approve the type of architecture and Mr. Jolly stated that the intent of his motion is that the Board see the final plans to determine if the buildings are connected and then meet the applicant's representation to the Board.

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630) Minor Variance - to permit building across a lot line in an RS-3 District located at 1731 East 31st Place North.

9841 (continued)

Presentation:

The applicant was not present and the Staff advised that the application was a request to build across a lot line only. Mr. Jones advised that the applicant has submitted a plot plan (Exhibit "I-1") for the file.

Protests: None.

Board Action:

On MOTION of SMITH, the Board 5-0 (Jolly, Lewis, Smith, Walden and Purser "aye") approved the Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630) to permit building across a lot line subject to the plot plan submitted on the following described tract:

Lots 23 and 24, Block 5, Murray Addition to the City of Tulsa, Okla.

9844

Action Requested:

Variance (Section 330 - Bulk and Area Requirements in the Agriculture District - Under the Provisions of Section 1630) Minor Variance - of the frontage area requirements in an AG District to permit a lot-split located at 2900 Block East 161st Street.

Presentation:

The applicant was not present and the Staff advised that the Planning Commission approved the lot-split (L-14235) subject to the approval of the Board. The Staff submitted a map (Exhibit "J-1") of the proposed lot-split.

Protests: None.

Board Action:

On MOTION of JOLLY, the Board 5-0 (Jolly, Lewis, Smith, Walden and Purser "aye") approved the Variance (Section 330 - Bulk and Area Requirements in the Agriculture District - Under the Provisions of Section 1630) Minor Variance - of the frontage area requirements in an AG District to permit a lot-split (L-14235) on the following described tract:

E/2, E/2, E/2, NW/4, NE/4, Section 29, Township 17 North, Range 13 East, Tulsa County, Oklahoma; to be split into a tract 135' x 280', the North 330' of the East 135' of above; and the other tract: All of the E/2, E/2, E/2, NW/4, NE/4 except the North 330' of the East 135'.

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630) Minor Variance - to erect three houses across lot lines in an RS-3 District located south and east of 45th Street and Yukon Avenue.

Presentation:

The applicant was not present and the Staff advised that the application was a request to build across 3 lot lines. Mr. Jones advised that there will be three homes built on six lots in order to allow for larger lots.

Protests: None.

Board Action:

On MOTION of JOLLY, the Board 5-0 (Jolly, Lewis, Smith, Walden and Purser "aye") approved the Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630) Minor Variance - to erect three houses across lot lines on the following described tract:

Lots 13, 14, 15, 16, 17 and 18, Block 5, Hilldale Addition to the City of Tulsa, Oklahoma.

SPECIAL ITEM:

The resolution of Appreciation for Dr. E. T. Guerrero, former Board Member was not completed and therefore, approval action was postponed by the Board.

There being no further business, the Chairman declared the meeting adjourned at 4:15 p.m.

Date Approved

March 2, 1978

Kathy Purser
Chairman