

BOARD OF ADJUSTMENT
MINUTES of Meeting No. 254
Thursday, February 16, 1978, 1:30 p.m.
Langenheim Auditorium, City Hall
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Lewis	Jolly	Edwards	Jackere, Alan
Smith	Walden	Gardner	Legal Department
Purser, Chairman		Jones	Miller, Mrs.
		Dyer, Mrs.	Building Inspector's Office

The notice and agenda were posted in the Office of the City Auditor, 9th floor, Room 919, City Hall, Tulsa, Oklahoma, on February 14, 1978, at 1:30 p.m., as well as in the Reception Area of the TMAPC Office, 3rd floor, City Hall.

The Chairman called the meeting to order at 1:35 p.m. and declared a quorum present.

MINUTES:

On MOTION of SMITH, the Board 3-0 (Lewis, Smith and Purser "aye", Jolly and Walden "absent") approved the Minutes of February 2, 1978 (No. 253).

UNFINISHED BUSINESS:

9822

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) to operate the Turley Children's Home in an RS-1 District located at the NE corner of Cincinnati Avenue and 61st Street North.

Presentation:

The applicant was not present. The Staff advised that the application was continued previously for republication, and it has not been republished, therefore, he suggested a continuance until March 2, 1978.

Protests: None.

Board Action:

On MOTION of SMITH, the Board 3-0 (Lewis, Smith and Purser "aye", Jolly and Walden "absent") continued application #9822 until March 2, 1978, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

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.

9827 (continued)

Presentation:

The Staff advised that the applicant had decided not to follow through with the application, therefore withdrawing the application.

Protests: None.

Board Action:

On MOTION of LEWIS, the Board 3-0 (Lewis, Smith and Purser "aye", Jolly and Walden "absent") dismissed Case #9827.

NEW APPLICATIONS:

9838

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 (6) - Home Occupations) to operate a home beauty shop in an RS-3 District located at 6408 West 60th Street.

Presentation:

The applicant Jacquetta Hicks, 6408 West 60th Street, applied to make her garage into a beauty shop advising that she has been a beauty operator for eight years. She advised that her hours of operation will be three days per week, Wednesday, Thursday and Friday. Mrs. Hicks stated that there would be no signs erected.

The Chairman asked the applicant if she had been given a copy of the rules of operating a home beauty shop, and if she could abide by the restrictions of three days per week. Mrs. Hicks stated that she had been given a copy of the rules for operating a home occupation and her plans are to operate three days per week; therefore, she could live with these restrictions. Mrs. Hicks stated that she has spoken with her neighbors and they have no objections to her proposal.

Protests: None.

Board Action:

On MOTION of SMITH, the Board 3-0 (Lewis, Smith and Purser "aye", Jolly and Walden "absent") approved the Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 (6) - Home Occupations) to operate a home beauty shop three days per week, subject to the hours of operation from 9:00 a.m., until 6:00 p.m., and that the applicant conform to all other rules and regulations of a home occupation on the following described tract:

Lots 3, 4 and 5, Block 8, New Taneha Addition to Tulsa County, Oklahoma.

9839

Action Requested:

Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1225 - Light Manufacturing and Industry) to permit a light machine shop in a CH District located at 2102 West Skelly Drive.

Presentation:

Walter Yost, United Steel Erectors, applied to locate a machine shop on the subject property located in a CH District. Mr. Yost stated that the type of manufacturing will consist of machine parts and the uses of light metal and all storage will be confined inside the building. Board Member Smith questioned the type motors that will be used and the applicant stated that they are proposing to use light machinery. The applicant advised that the proposed building will be separated from the motel by a parking lot which is 105' in width and there will be no doors to the building on the same side as that of the motel and if there should be windows, they will be located high up so as not to allow light inside. Mr. Yost stated that they are proposing overhead doors on the east side of the building which will be open in the summertime for ventilation purposes, adding that the east side is vacant property. He further added that the proposed building will be constructed of 8" thick concrete and will be insulated that will prevent any exterior noise. The applicant submitted a plot plan (Exhibit "A-1") showing the proposed layout including the parking and advising that the loading area will be in the rear of the building. He advised that the hours of operation will be from 8:00 a.m., until 5:00 p.m.

Murrell Martindale, 820 West Skelly Drive, advised that they have two other shops that fabricate the same type material and the machines have a very low noise level. He advised that they are located next to the Oil Capitol Motel and the type of manufacturing includes instrument box type fabrication that are metal boxes. Mr. Martindale added that the loading and unloading will be in the back of the building.

The Chairman expressed concern that a second shift, if added, would create a disturbance to those persons at the motel. Chairman Purser was also concerned of what effect the IL development would have upon the undeveloped land, as well as the rezoning of the CG property.

Board Member Lewis questioned the type of material of which the building will be constructed and Mr. Martindale replied that the building is a decorative stone, white marble and exposed aggregate that will accommodate two machine shops. Mr. Lewis then stated that he would like to suggest a continuance in order that he can go out and see the property.

Board Action:

On MOTION of LEWIS, the Board 3-0 (Lewis, Smith and Purser "aye", Jolly and Walden "absent") continued application #9839 until March 2, 1978, 1:30 p.m., Langenheim Auditorium, Tulsa Civic Center, City Hall.

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 (2) - Home Occupations) to operate an office for the sale of cosmetics in an RM-1 District located at 3334 East 32nd Place.

Presentation:

Maxine Anderson, 3334 East 32nd Place, applied to use her home as an office to supply cosmetics to fifteen ladies. Mrs. Anderson advised that the ladies will call their orders in to her and she will place the orders with the company and the ladies will pick up their orders from her home. She stated that she orders from a home office and sells to the ladies who will come to her home to pick up their orders. She stated that no signs will be erected and she does have a copy of the rules of procedure on home occupation. Upon questioning by the Chairman the applicant stated that the ladies will come to her home approximately once per week. Mrs. Anderson informed that there will be no sales meetings to cause an increase in traffic. Board Member Smith expressed concern with the number of people that would be coming in and out if the applicant took on another line of products and she informed that her company will not allow her to represent another line of cosmetics. Mrs. Anderson advised that there is another business in the area, including a home to the east of her property that will be converted into an apartment complex. She stated that her neighbors have been contacted regarding her proposal.

Board Member Lewis asked the applicant if she had plans to increase the number of ladies selling cosmetics and she stated that she is kept very busy and is not planning to increase the number of ladies selling cosmetics.

Board Member Smith asked Mr. Jackere, Legal Department, if this type of business could, with Mrs. Anderson as manager, be classified under home occupation. Mr. Jackere stated that the operator of the business must be a resident of the home, therefore, he felt this could be considered a home occupation.

Protests: None.

Board Action:

On MOTION of SMITH, the Board 3-0 (Lewis, Smith and Purser "aye", Jolly and Walden "absent") approved the Exception (Section 410 - Principal Uses Permitted in the Residential Districts - Section 440 (2) - Home Occupations) to operate an office for the sale of cosmetics, subject to the restriction that the number of sales persons not exceed fifteen and they obtain their cosmetic supplies once a week as presented, on the following described tract:

Lot 12, Shafer Heights Addition to the City of Tulsa, Oklahoma.

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 (2) - Home Occupations) to operate a home beauty shop in an RM-1 District located at 829 North Florence Avenue.

Presentation:

Freda Chuculote, 829 North Florence Avenue, applied to continue operating a home beauty shop at her home. Mrs. Chuculote advised that she has been there in excess of nine years and has been operating her beauty shop

there and has not had any problems with her neighbors until recently. She stated that she has been harassed by some of her neighbors and this is her reason for appearing before the Board. Mrs. Chuculote stated that she was not cited by the Building Inspector's Office. She stated that she does have a double driveway for parking and is requesting to continue operating at her home. Mrs. Chuculote submitted a petition (Exhibit "B-1") with twenty-two signatures of the area residents advising that they have no objections to the requested continued operation of the beauty shop. Upon questioning by Board Member Smith, the applicant stated that she does not have any signs.

Board Member Lewis questioned the number of customers per day and the applicant replied she has approximately three to five customers per day, and operates on Wednesday, Thursday and Friday from 7:30 a.m. until 3:00 p.m., occasionally later, but never late at night and on Saturday from 8:00 a. m. until 12:00 p.m. Board Member Lewis questioned the applicant, that if the Board were to grant her application if she had ample parking in front of her home and in her driveway to accommodate her customers, and she stated that she does have sufficient parking because of a double driveway. She stated that there was no reason for the harassment that she has received from some of her neighbors because she has not given similar treatment to them.

Protests:

Attorney, Debra Godschock representing Norine Parsons, 825 North Florence Avenue, advised that the applicant has been operating the beauty shop illegally for several years and is now appearing in order that the Board may legalize her operation. Mr. Godschock advised that if the applicant set up her business and began operating without approval then the Board should not approve her application at this time. She stated that the streets are narrow which presents a parking problem.

Norine Parsons, 825 North Florence Avenue, advised that she operates a beauty shop as her means of support because she is unable to work steady outside of her home. Mrs. Parsons stated that she does not want any problems with her neighbors, but has been harassed by telephone regarding her patrons parking. She stated that upon one occasion, Mrs. Chuculote asked one of her patrons to move her car. She stated that she operates three days per week, Saturday, Tuesday and Wednesday from 8:00 a.m. until 5:00 p.m., and occasionally she has an evening appointment.

Board Member Lewis asked Mrs. Parsons if her patrons ever park in front of Mrs. Chuculote's home and she stated that she does have a long driveway that will accommodate three cars. She further added that she was unaware of the applicant being in operation when she purchased her property.

Dan Cherry, Private Investigator, stated that he was asked by Norine Parsons and her attorney to make an observation of the number of patrons going to and from the beauty shop of Mrs. Chuculote. Mr. Cherry advised that he has made that observation and submitted a list (Exhibit "B-2") of 10 patrons over a two day period.

Board Member Smith asked Mr. Cherry that in his investigation, where did the patrons park and he replied out front of both Mrs. Chuculote and Mrs. Parsons' homes. He also asked if any of the customers were those of Mrs. Parsons, and he stated that they were all Mrs. Chuculote customers.

Pearl Whittaker, 1901 South 68th East Avenue, advised that she is a patron of Mrs. Parsons and upon one occasion while at the beauty shop, with her car parked on the street she was asked to move her car. She stated that since then she has been back and sometimes she parks in Mrs. Parsons' driveway and sometimes on the street.

Mrs. Miller, Building Inspection Department, stated that her office received a number of complaints and an Inspector was sent out to investigate on each occasion, and on one of their visits there was a sign on the residence advertising the beauty shop in an R zoned district and an Inspector was sent out afterwards and found no violation.

Board Action:

On MOTION of LEWIS, the Board 3-0 (Lewis, Smith and Purser "aye", Jolly and Walden "absent") approved the Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 (2) - Home Occupations) to operate a home beauty shop subject to the days being restricted to Thursday, Friday and Saturday and hours of operation to be from 8:00 a.m., until 6:00 p.m. and that the applicant obey all rules of the home occupation on the following described tract:

The South 55 1/2 feet of the South 111 feet of the West 155 feet of Lot 15, Garden Acres Addition to the City of Tulsa, Oklahoma.

Action Requested:

Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 740 - Special Exception Uses in Commercial Districts - Requirements) to erect apartments in a CS District; and an Exception (Section 250.3 - Modification of the Screening Wall or Fence Requirements) for a removal of the screening requirements where the purpose of the screening requirements cannot be achieved; and a Variance (Section 430 - Bulk and Area Requirements in Residential Districts; and a Variance (Section 730 - Bulk and Area Requirements in Commercial Districts - Under the Provisions of Section 1630 - Minor Variances) to build across lot lines and more than 40 units on a lot in a CS and RM-2 District located at 60th Street and Newport Avenue.

Presentation:

Attorney, Charles Norman representing Lincoln Properties, applied to build a multifamily complex on 4.4 acres that is divided into 50' lots located at 60th Street and Newport Avenue. He advised that the property is 450' x 470' in dimension and adjoins on the east to commercial property. Mr. Norman stated that the western 2/3 of the property is zoned RM-2. The properties east on Peoria Avenue contain a Kentucky Fried Chicken and a Dairy Queen. A Texaco Service Station is located at 61st Street and Peoria Avenue and to the north of the proposal is a day nursery which is surrounded on the north and west by existing apartments. Mr. Norman submitted a plot plan (Exhibit "C-1") showing the proposed layout and advised that they have applied to construct 168 multifamily units resulting in a land area of 1,412 square feet per unit and 1,200 square feet is required in an RM-2 District. Also 200 square feet of livability space per unit is required in an RM-2 District and their plans provide 428 square feet. The plan also includes a tennis court,

clubhouse and a laundry. Mr. Norman also applied for a waiver of the screening fence required between their RM-2 and CS properties, advising that a screening fence is not required in a CS when approved for a multifamily use.

Board Member Smith questioned if the setbacks exceed all required in an RM-2 District. He added that a maximum of 198 units could be approved in RM-2 Districts.

Mr. Gardner, TMAPC Staff, questioned if a screening fence was erected between the Peoria CS and their proposal and Mr. Norman stated that there was not a fence but a screening fence is not required of the multifamily owner.

Protests: None.

Board Action:

On MOTION of SMITH, the Board 3-0 (Lewis, Smith and Purser "aye", Jolly and Walden "absent") approved the Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 740 - Special Exception Uses in Commercial Districts - Requirements) to erect apartments in a CS District; and an Exception (Section 250.3 - Modification of the Screening Wall or Fence Requirements) for removal of the screening requirements where the purpose of the screening requirements cannot be achieved; and a Variance (Section 430 - Bulk and Area Requirements in Residential Districts; and (Section 730 - Bulk and Area Requirements in Commercial Districts - Under the Provisions of Section 1630 - Minor Variances) to build across lot lines and to permit more than 40 dwelling units constructed ((168 total units) per the plot plan submitted and as presented to the Board, on the following described tract:

Lots 1 through 9, inclusive and Lots 16 through 24, inclusive, Block 7, Broadview Heights Addition to Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof, and that portion of vacated South Owasso Avenue described as follows:

Beginning at the NE corner of Lot 1 of said Block 7; thence East 25 feet to a point being on the center line of vacated south Owasso Avenue; thence South a distance of approximately 450 feet and along the center line of vacated South Owasso Avenue to a point, that point being 25 feet East of the Southeast corner of Lot 9 of said Block 7; thence West a distance of 25 feet to a point being the Southeast corner of Lot 9; thence North along the East boundary of said Block 7, a distance of 450 feet to the point of beginning; and

Lot 16, LESS the South 20 feet of the East 20 feet thereof, and ALL of Lots 17 through 22, inclusive, Block 8, Broadview Heights Addition to Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof, and that portion of vacated South Owasso Avenue described as follows:

Beginning at the Northwest corner of Lot 22 of said Block 8; thence West 25 feet to a point being the center line of vacated South

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Owasso Avenue; thence South a distance of approximately 350 feet and along the center line of vacated South Owasso Avenue to a point, that point being 25 feet West of the Southwest corner of Lot 16 of said Block 8; thence East a distance of 25 feet to a point being the Southwest corner of Lot 16; thence North along the West boundary of said Block 8, a distance of approximately 350 feet to the point of beginning; and

Lots 23 and 24, Block 8, Broadview Heights Addition to Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof, and that portion of vacated South Owasso Avenue as described as follows:

Beginning at the Northwest corner of Lot 24, said Block 8; thence West 25 feet to a point being the center line of vacated South Owasso Avenue; thence South a distance of approximately 100 feet and along the center line of vacated South Owasso Avenue to a point, that point being 25 feet West of the Southwest corner of Lot 23 of said Block 8; thence East a distance of 25 feet to a point being the Southwest corner of said Lot 23; thence North along the West boundary of Block 8, approximately 100 feet to the point of beginning.

9845

Action Requested:

Variance (Section 330 - Bulk and Area Requirements in the Agriculture District - Under the Provisions of Section 1630 - Minor Variance) of the frontage and area requirements in an AG District to permit a lot-split (L-14240) south and east of 181st Street and Memorial Avenue.

Presentation:

The Staff advised that the Planning Commission approved the lot-split subject to the approval of the Board.

Protests: None.

Board Action:

On MOTION of SMITH, the Board 3-0 (Lewis, Smith and Purser "aye", Jolly and Walden "absent") approved the Variance (Section 330 - Bulk and Area Requirements in the Agriculture District - Under the Provisions of Section 1630) Minor Variance - of the frontage and area requirements to permit a lot-split (L-14240) on the following described tract:

A tract of land situated in Lot 4, Section 1, Township 16 North, Range 13 East, Tulsa County, Oklahoma, being more particularly described as follows, to-wit: Beginning at a point on the West line of said Lot 4, a distance of 250' South of the NW corner of Section 1; thence East and parallel with the North line of said Section for 185'; thence North and parallel with the West line of said Section for 250'; thence East and along the North line of Section 1 for 300'; thence South for 930.5'; thence West and parallel to the North line of said Section for 485'; thence North along the West line of Section 1 for 681.37' to the point of beginning and containing 9.2985 acres more or less; and

A tract of land situated in Lot 4 of Section 1, Township 16 North, Range 13 East of the IBM, being more particularly described to-wit: Beginning at a point on the West line of Lot 4, a distance of 185 feet East of the NW corner of Section 1 for a point of beginning; thence South and parallel with the West line of said Section 1 for 214 feet; thence East and parallel with the North line of Section 1 for 100 feet; thence North and parallel with the West line 214 feet; thence West along and parallel with the North line 100 feet to a point of beginning and containing .4946 acre.

Action Requested:

Exception (Section 250.3 (b) - Modification of the Screening Wall or Fence Requirements) of the screening requirements where an alternative screening will provide visual separation of uses in an IL District located at 1314 North Wheeling Avenue.

Presentation:

Bill Hutson, representing the Loveless Manufacturing Company, submitted a plot plan (Exhibit "D-1") of the subject property and applied to waive the fencing requirements advising the Board of an existing vegetation fence and requested that it serve as adequate fencing. Mr. Hutson also submitted eight photos (Exhibit "D-2") showing the property and fencing which separates Loveless Manufacturing Company from the adjoining property owners and stated that Loveless Manufacturing Company has been in existence in excess of twenty years and have spent over \$50,000 on improvements. He stated that not all of the parking lot is paved with a hard surface material, but they have paved an area near Wheeling. Board Member Smith questioned if the house to the south was occupied and the applicant stated that it was, but the occupants store bricks in the rear yard as well as some occupants park commercial trucks in their yards.

The Chairman expressed concern that the vegetation fence did not screen and the applicant stated that the photos were made when the vegetation was not thriving. The Chairman then advised Mr. Hutson that the Board preferred the type shrubbery that maintains its greenery the year around. He stated that the fence is 6' high and does provide visual separation.

Board Member Smith stated that the fence is not sufficient to meet the Code and that the fence appeared to be a maximum security fence but will not provide visual separation.

Protests: None.

Board Action:

On MOTION of SMITH, the Board 3-0 (Lewis, Smith and Purser "aye", Jolly and Walden "absent") approved the Exception (Section 250.3 (b) - Modification of the Screening Wall or Fence Requirements) of the screening requirements where an alternative screening will provide visual separation of uses, subject to the applicant planting additional shrubbery so as to screen the Company, beginning at the southeast corner and continue north to the south gate opening and along the south property line, the shrubbery shall be a minimum of 6' in height and shall be maintained, and the shrubbery fencing is to be in place by May 15, 1978 on the following described tract:

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SE/4, SW/4, NW/4, NE/4 of Section 31, Township 20 North, Range 13 East, Tulsa County, Oklahoma.

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670) of the side yard requirements from 5' to 5" to allow a carport to remain in an RS-3 District located at 3337 East Virgin Street.

Presentation:

Gerald Coppler, 3337 East Virgin Place, advised that he erected a carport for protection of his automobiles without obtaining a building permit and requested that the Board allow it to remain. Mr. Coppler stated that his reason for building the carport 5" from the side yard is because of a public sewer which is approximately 12" deep and the sewer has caused damage to his automobiles because of the manner in which it is constructed. He submitted a rendering (Exhibit "E-1") showing the carport and sewer. Mr. Coppler stated that the driveway was moved over to miss the sewer. He stated that his sewer problem had been reported to the City but he has received no response.

The Chair questioned the applicant's awareness of the necessity of obtaining a building permit, but still building without a permit. Mr. Coppler stated that he applied for a building permit but was informed that he could not build the carport in the manner in which he had applied. He was told that he could build the carport at his own risk but if he was reported to the Building Inspector's Office he would have to appear before the Board. He stated that he was not aware that he could appear before the Board, before building the carport and apply for the variance.

Board Member Smith questioned the water drainage and the applicant stated that the water drains on his driveway and does not affect his neighbors. He stated that the only neighbor, if any, who would be affected is to the west of the subject property, Mr. and Mrs. Bill Strait, and they submitted a letter (Exhibit "E-2") of approval to allow the carport to remain. Mr. Coppler stated that the carport is free-standing, no solid walls and was built to protect the cars.

Mrs. Miller, Building Inspector's Office, stated that the applicant does meet the frontage setback and is only requesting the side yard variance.

Protests: None.

Board Action:

On MOTION of LEWIS, the Board 3-0 (Lewis, Smith and Purser "aye", Jolly and Walden "absent") approved the Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670) of the side yard requirements from 5' to 5" to allow a carport to remain on the following described tract:

Lot 3, Block 19, Louisville 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 setback requirements on a corner lot from 30' to 15' in an RS-2 District located on the NW corner of 84th Street and Florence Avenue.

Presentation:

The applicant, William Stava, applied for a variance of 15' on a corner lot to build a home. Mr. Stava advised that he owns the property which has a corner of the property cut out because of a cul-de-sac. The Walnut Creek III Addition to the north has a blanket waiver of corner lots to 15'. He advised that he owns the house north of the subject property and that house faces north, therefore, the variance will not affect anyone. The applicant submitted a plot plan (Exhibit "F-1") showing the shape of the lot.

Protests: None.

Board Action:

On MOTION of SMITH, the Board 3-0 (Lewis, Smith and Purser "aye", Jolly and Walden "absent") approved 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 30' to 15' subject to the plot plan submitted, on the following described tract:

Lot 1, Block 6, Walnut Creek V. Addition to the City of
Tulsa, Oklahoma.

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 330 (2) - Home Occupations) to operate a furniture and appliance repair shop in an RS-3 District located at 234 South 103rd East Avenue.

Presentation:

Donna Pitts, 234 South 103rd East Avenue, applied to repair furniture and appliances to be sold at auction. She stated that she buys furniture and does minor repairs in her garage and sells the furniture to an auction. Mrs. Pitts said that no one ever comes to the home to buy furniture. Mrs. Pitts said that she mostly repairs furniture legs, glues and occasionally cleans furniture, but that she does not reupholster or paint furniture. Mrs. Pitts informed that her husband is disabled and her neighbors have not complained to her about her business. The applicant advised that she does have a double garage and that she tries to maintain the furniture and appliances in the garage at night but does move it onto the driveway during the day to have more available working space.

The Chairman asked the applicant if she could operate her business without working or storing her furniture and appliances on the driveway and the applicant stated that she could. She stated that no sales

are conducted from her home. Mrs. Pitts said that she does have newspaper ads, but when she receives her calls, she directs them to her Bixby address to look at the furniture.

Protests:

The Chairman informed the applicant of three letters (Exhibit "G-1") opposing the application because of the furniture and appliances on the driveway of subject property.

Tom Thornburg, 1210 Mid-Continent Building, representing the residents surrounding the subject property, submitted a petition (Exhibit "G-2") opposing the application and advised that the applicant does purchase and sell old appliances at her home. Mr. Thornburg submitted four newspaper ads (Exhibit "G-3") placed by the applicant requesting to buy and sell various items. He also submitted a telephone book listing (Exhibit "G-4") showing the applicant's address and phone number as being the same as listed in the ads section of the newspapers in which she advertised. Mr. Thornburg advised that the applicant was issued a cease order by the Building Inspector's Office and has continued to operate her business. He stated that the area is a middle class income area made up of older people as well as younger couples with children and they feared the children might be trapped inside of an appliance and result in death. Mr. Thornburg stated that since the garage is full of items, they feel the applicant will begin storing on the outside and stated that the applicant's business is not restricted to repairs. Mr. Thornburg expressed concern of the impact the business would have on the neighborhood and stated that the traffic at present is heavily congested and the applicant's means of transporting the appliances would further add to the traffic problem. Mr. Thornburg stated that if the application is granted with conditions, he felt that Mrs. Pitts would not be able to abide by them because she is buying and selling and there is not adequate space for that type business, and there is not sufficient space to park trucks and cars and asked the Board to deny the application.

Sam Robinson, 224 South 103rd East Avenue, advised that he owns his property and is protesting this type business in a residential neighborhood. He advised that he was unaware of the proposal until he received his notice. Mr. Robinson informed that if the application is allowed he will sell his property because this type business would lower the value of his property and added that he does not want to sell and buy another home.

Mrs. Miller, Building Inspector's Office, advised that her office received a complaint that merchandise was being sold at the subject property.

Board Member Smith stated that he felt Mrs. Pitts as a property owner should have a right to use her property to make a living, but he felt this type business would hinder others.

Board Action:

On MOTION of SMITH, the Board 3-0 (Lewis, Smith and Purser "aye", Jolly and Walden "absent") denied the Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 (2)- Home Occupations) to operate a furniture and appliance repair shop on the following described tract:

Lot 8, Block 4, Rosewood Addition to the City of Tulsa, Okla.

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1204 - Public Protection and Utility Facilities and Temporary Open Air Uses) to operate a horticultural nursery in an RS-3 District located west of the NW corner of 61st Street and Mingo Road.

Presentation:

Greg Frye advised that he and his co-owner, Russ Keller are proposing a nursery on 61st Street approximately 1/4 mile west of Mingo. He submitted a plot plan (Exhibit "H-1") showing the landscape and retail nursery. Mr. Frye advised that they are proposing a 20' x 20' building to be located on the one-acre tract that will be located 125' back from the center of the street. He added that the proposal does include a 6' wooden stockade fence and the operation will contain low shrubbery which will not protrude over the fence. He stated that behind the subject property is the flood moratorium area which contains mostly trees and brush. Mr. Frye advised that they are proposing gravel parking to accommodate 18 parking spaces. He informed the Board that he owns property north and east of the subject tract and is in the process of landscaping several properties developing to the northwest. Mr. Frye added that letters were sent to all property owners within a 300' radius of the subject property.

Board Member Smith informed the applicant that the parking is required to be a dust free surface. The applicant then informed the Board of another nursery that does have gravel parking and the Chairman advised the applicant that the nursery was apparently commercial before the 1970 Code went into effect.

Mr. Gardner, of TMAPC Staff, advised that the retail use and office use are not permitted for a horticultural nursery by exception, therefore the Board should determine if this is a horticultural nursery for growing stock or a sales and office garden supply business.

The Chairman informed the applicant that in order to approve a building, the applicant would need to readvertise for a variance or rezone the property. The applicant stated that they are buying from wholesalers and their business will mainly consist of landscaping homes for developers, and the reason for the building was to have a restroom. Board Member Lewis suggested that the application be continued for readvertisement since the applicant is requesting a building on the property. The applicant then questioned if he could sell shrubbery without a building on the property.

Mr. Jackere, Legal Department, stated that if the assurance is made that no retail sales will take place on site, then the applicant could use the site for a horticultural nursery only.

The Chairman informed the applicant that neither the general public nor any wholesaler could come in and buy or select stock. The applicant then asked the Board to approve the horticultural nursery without a building and no retail sales in order to complete the job and later if they decided to conduct retail sales they would come back before the Board or zone the property.

The Chairman informed the applicant that if the Board approved the horticultural nursery without the building and if he decided to later conduct retail sales and apply for the building, the Board could not give assurance that the building would be approved.

Protests: None.

Board Action:

On MOTION of LEWIS, the Board 3-0 (Lewis, Smith and Purser "aye", Jolly and Walden "absent") approved the Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1204 - Public Protection and Utility Facilities and Temporary Open Air Uses) to operate a horticultural nursery subject to there being no building, no retail sales of any nature or wholesale sales and no signs on the following described tract:

A tract of land situated in the SE/4 of Section 36, Township 19 North, Range 13 East of the IBM, Tulsa County, Oklahoma, according to the U. S. Government Survey thereof, being more particularly described as follows, to-wit: Beginning at a point on the South line of said SE/4 861.20 feet West of the Southeast corner thereof; thence South $89^{\circ}-59'-40''$ West and along the South line of said SE/4 for 200.00 feet; thence due North for 250.00 feet; thence North $89^{\circ}-59'-40''$ East for 200.00 feet; thence due South for 250.00 feet to the point of beginning and containing 1.1478 acres, more or less.

Action Requested:

Exception (Section 1680 (g) - Special Exception - Off-Street Parking) to establish off-street parking in an RM-1 District to be used in conjunction with restaurant on adjoining property and an Exception (Section 250.3 (d) - Modification of the Screening Wall or Fence Requirements) of the screening requirements where the purpose of the screening cannot be achieved located at 3436 East 31st Street.

Presentation:

Stephen Jackson applied to establish off-street parking on the RM-1 portion of the property with a restaurant on the commercial zoned front portion. Mr. Jackson stated that at present there is a vacant building on the property that was once used as a hobby shop. He stated that he is proposing to screen all except the north and west sides which are not required to be screened, but does plan to screen the residential areas around the property. Mr. Jackson informed that the parking lot could be permitted and eliminate the access from

32nd Street. He added that the restaurant will be named the "Harvard Table", a dine-in type restaurant with from 4,000 to 5,000 square feet and is a family type restaurant and not a fast food chain.

The Chairman asked the applicant if he could limit the parking to employees only and the applicant stated that the restaurant is too large and the area would have to be made available for customers parking. He stated that the restaurant is a family type and all the parking planned will be utilized.

Protests:

John Moody, Attorney representing the Ranch Acres Baptist Church, Adams and Leonard Realtors, and the owners of the Eddy's Steak House Restaurant are protesting the application. He advised that the Adams and Leonard Realtors own property to the south and have an office building west of the subject property. The subject property is also adjacent to single-family residences which front South Louisville Ave. He advised that Knoxville Avenue is a dedicated road and provides access to the subject tract. Mr. Moody stated that they are opposing the request because the fast food restaurants try to provide fast food service and the traffic to and from this type business will have an adverse affect on the apartments as well as other uses in the area. Mr. Moody submitted 6 photos (Exhibit "I-1") of the surrounding businesses and a picture of a 50' open space strip which creates a buffer area between the businesses and the church property to the southwest. He advised that they are opposed to a waiver of the screening fence between the RM-1 and the commercial property. Mr. Moody advised that if the screening is waived, it would permit engress and egress from South 31st Street and the traffic would cause a problem with other businesses and the church. It would have an adverse affect on all property owners in the area. Mr. Moody stated that the applicant should erect a fence 50' north of the south property line for a buffer area which will cut down on traffic noise. Mr. Moody stated that the lot is not designed for the business proposed, therefore, the application should be denied because he felt it is not in keeping with the spirit of the Code. He stated that there is presently a traffic problem in the area with the Hudson Gas Station and to the east is an office building and asked that the application be denied.

Board Member Lewis expressed concern whether the applicant could establish 170 parking spaces on the lot and if the number of parking places would support the number of patrons that will be in the restaurant at one time.

Board Member Smith made a motion to deny the application. The motion died for the lack of a second.

Board Action:

On MOTION of LEWIS, the Board 3-0 (Lewis, Smith and Purser "aye", Jolly and Walden "absent") approved the Exception (Section 168 (g) - Special Exception - Off-Street Parking) to establish off-street parking in an RM-1 District to be used in conjunction with restaurant on adjoining property; and an Exception (Section 250.3 (d) - Modification of the Screening Wall or Fence Requirements) of the screening requirements where the purpose of the screening cannot be achieved, subject

to the conditions that there be a screening fence on the south, east and west sides of the subject tract, that there be adequate plantings between the subject restaurant and the existing restaurant to the west in order to present parking on adjoining properties, subject to the lighting being directed toward the parking lot, that the parking be hard surface asphalt, and the site plan on the entire tract, including the restaurant, be furnished to the Board prior to the issuance of a building permit, in order that the Board may be assured that the development is in conformity to the proposal presented on the following described tract:

W/2 of Lot 1, Albert Pike Second Addition to the City of Tulsa, Oklahoma, less the North 162.5' thereof.

Action Requested:

Appeal (Section 1650 - Appeals from the Building Inspector - Appeal from a decision of the Building Inspector for refusing to permit an outdoor advertising sign in a CS District; and an Exception (Section 1221.5 (d) (5) - Business Sign and Outdoor Advertising - Under the Provisions of Section 1630 - Minor Exceptions) to erect a single post outdoor advertising sign 53' north of the center line of East 51st Street, 29' 11" in height, with 672 square feet of sign area, subject to the provisions that existing outdoor advertising signs at exact location where proposed sign will be located will be removed in a CS District located at 4909 East 51st Street.

Presentation:

Attorney, Tom Tannehill, representing the applicant, John H. Staigers, applied to replace the present signs with one single post sign 300' east of the northeast corner of 51st Street and Yale Avenue. Mr. Tannehill submitted 3 photos (Exhibits "J-1, J-2 & J-3") showing the proposed and existing signs and advised that Mr. Staigers has requested to remove all existing signs and replace them with one oil base, bulletin type sign containing 672 square feet, 29' 11" in height located 53' from the center line of East 51st Street. He advised that the lighting will be below the sign and there will not be any other signs. He stated that the area is unplatted and he felt the proposed sign is an improvement.

Protests:

Jim Rogers, General Manager for Donrey Sign Advertising Company, expressed concern as to why the applicant was requesting to remove the signs and put up another one since those have been located there in excess of ten or twelve years and have not received complaints from the area residents.

Mrs. Miller, Building Inspector's Office asked a question regarding Section 1221.5 (3) (b) of the Code. She stated the area already contains more sign display surface area than is permitted by the Code. How does this effect other tenants who may want another sign? Mrs. Miller submitted a rendering (Exhibit "J-4") of the surroundings in the area. Mr. Gardner, TMAPC Staff, advised that the applicant is requesting to decrease the nonconformity as relates to sign surface area and if the Code does not permit additional signs any applicant would have to either seek an exception or variance from the Board of Adjustment as the applicant's doing.

9853 (continued)

Board Action:

On MOTION of SMITH the Board 3-0 (Lewis, Smith and Purser "aye", Jolly and Walden "absent") upheld the Appeal (Section 1650 - Appeals from the Building Inspector) for refusing to permit an outdoor advertising sign in a CS District; and approved a Variance (Section 1221.5 (d) (3) - Business Signs and Outdoor Advertising - Under the Provisions of Section 1630) to erect a single pole outdoor advertising sign 53' north of the center line of East 51st Street, 29' 11" in height; subject to the removal of all signs that are there at present and they be replaced with one sign 672 square feet of display surface area, and all signs pictured in the (Exhibits "J-2 and J-3") photos be removed within a period of nine months from today (by November 16, 1978) and the lighting be directed from the bottom upward on the following described tract:

S/2, SW/4, SW/4, SW/4, of Section 27, Township 19 North, Range 13 East, Tulsa County, Oklahoma.

9854

Action Requested:

Variance (Section 310 - Principal Uses Permitted in the Agriculture District - Under the Provisions of Section 1670) to permit the enlargement of a television broadcasting studio and station in an AG District located on the south side of 31st Street and 25th West Ave.

Presentation:

The Staff advised that the application would need to be continued because of a change in the application and the Staff was unable to acquire the necessary information, therefore suggested a continuance until March 16, 1978.

Protests: None.

Board Action:

On MOTION of LEWIS the Board 3-0 (Lewis, Smith and Purser "aye", Jolly and Walden "absent") continued application #9854 until March 16, 1978, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

9855

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670) of the front setback requirements from 35' to 25' and a variance of the setback from an arterial street from 35' to 25' in an RS-1 District located at 13030 South 126th East Avenue.

Presentation:

Mrs. Vickie Birchall, 11686 South 73rd East Avenue, Bixby, Oklahoma, applied for a 10' waiver of the front setback and 10' setback waiver from 131st Street. Mrs. Birchall added that she does have an odd shaped lot and if the setbacks are granted her home will set farther back than the houses to the north of her home because of a cul-de-sac and the setbacks will also enable her to put in longer lateral lines. The applicant submitted a plot plan (Exhibit "K-1") showing the shape of the lot and the proposed setback.

Protests: None.

Board Action:

On MOTION of LEWIS, the Board 3-0 (Lewis, Smith and Purser "aye", Jolly and Walden "absent") approved the Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670) of the front setback requirements from 35' to 25' and a variance of the setback of 131st Street from 35' to 25', per plot plan submitted, on the following described tract:

Lot 10, Block 5, Willow Springs Plaza Addition to Tulsa County, Oklahoma.

9857

Action Requested:

Variance (Section 410 - Principal Uses Permitted in Residential Districts - Section 1211 - Office and Studios - Under the Provisions of Section 1670) to permit law offices in an RM-2 District located at 1311 South Guthrie Avenue.

Presentation:

Robert Blackwood, 1311 South Guthrie Avenue, applied to expand his law office and to use the subject property for office purposes. Presently he has a home occupation approval from the Board to use the property as office and residence. Mr. Blackwood advised that the property is owned by his parents, who are living elsewhere because the expense of maintaining it as a home is too great. He advised that the subject property is located approximately 350' to 400' from the McBirney Mansion. Mr. Blackwood stated that the home is a high-rise development with approximately 5,000 square feet of usable floor space and has two floors that will be used as law offices by him and his three associates and a basement that will be converted into a library. He stated that there would be no exterior modifications of the property. Except for some interior petitioning he intends to maintain the property's outward appearance as is and would stay within any restrictions imposed by the Board. Mr. Blackwood stated that the area is no longer a residential area and predicted it will develop into an area of high-rise development. He informed the Board of a fire station at 12th and Guthrie that fronts on 11th Street. Additional traffic has been created in the area because of the expressway exit No. 94. Mr. Guthrie submitted a photo (Exhibit "L-1") of the property supporting his reason why he feels the area is going to be designated as commercial because of the traffic and the fire station and the two-story development. He stated that the McBirney Mansion property was allowed law offices and therefore, he felt his

property could be used as law offices. Mr. Blackwood informed the Board of a lot in back that he is proposing to use for additional parking.

Board Member Smith questioned the applicant's hardship. Mr. Blackwood stated that the property is owned by his parents and they are unable to obtain the property as a residence because of the expense and if he is unable to convert the property into law offices, they will be forced to sell the property. Mr. Blackwood stated that he unable to purchase the property from his parents and give them fair market value and felt a home type atmosphere for the law office would aid in his business. Mr. Blackwood cited sentimental reasons for not wanting to sell the property. He stated that he has been forced to expand his business and this therefore asking the Board to rule on the matter.

Interested Parties:

William Borders, 1302 South Guthrie Avenue, advised that he resides across the street from the subject property. He stated that a fire station has been built where a high school used to be and the area is changing and he feels sure the area will not continue to be used as a residential area. Mr. Borders added that he does not believe that if the applicant retains the property as a single-family residence, it would help the area to remain residential. He informed that parking would not present a problem because of the proposed parking lot in the rear of the property, and therefore, added that he has no objections to the application.

Mrs. Tom Knipper, 1312 South Guthrie Avenue, informed that through past experience, the applicant's law practice has been compatible with others living in the neighborhood and she has no objections and feels that it will not affect the area. Mrs. Knipper stated that she approves of the application.

Mrs. Elmer Hemphill, 1325 South Guthrie Avenue, stated that she has lived in the neighborhood twenty years and supports Mr. Blackwood's proposal.

David Hartley, 1231 South Guthrie Avenue, advised that he has resided at his residence since 1940 and has seen the Riverview School moved out and the expressway constructed. He stated that the applicant has presented problems for no one and is proposing to convert the home into an office and use the rear lot for parking, and advised that the McBirney Mansion could not be maintained as a home and was allowed law offices. He further advised that Mr. Blackwood's home is a two-story, stone and brick and would like to see it used as law offices also. Mr. Hartley informed that Vision 2000 says the area will become an all residential neighborhood. He advised that there are people buying into the neighborhood but he believes it is because they would like to be near the downtown area. Mr. Hartley further added that the residence is between two other homes and not on a corner but would not present a problem.

Protests:

Bob Rigman, Executor for the Downtown Tulsa Unlimited, stated the Riverview area is a very important area to be preserved as a residential neighborhood. He added that if the application is granted approval,

then this would attract other interested home owners to convert their homes into a business, and the neighborhood would turn into a business area rather than a residential area. Mr. Rigman stated that a study is being conducted to bring about conservation to those areas similar to the subject area. He added that there has been no hardship given, therefore, asked that the application be denied.

The Chairman informed of letters protesting the subject proposal. A letter (Exhibit "L-2") from Jan Jennings Sparks, Director, Tulsa Historical Preservation Society, advising that the subject property like others in the Riverview area has many significant historical, architectural and archaeological objects, sites and structures within its boundaries, and for that reason it is being surveyed for nomination to the National Register of Historic Places as a Landmark District. Mrs. Sparks also submitted a copy of the letter (Exhibit "L-3") to Bob Hardy, Riverview Homeowners Assoc. The Chairman also informed the Board of a letter (Exhibit "L-4") from Beverly Young, an area resident who objected to the proposal fearing an increase in traffic.

Bob Hardy, 1322 South Gurhtie Avenue, representing the Riverview Homeowners Association, advised that he has lived in the area for almost six years and as a representative of the Homeowners Association, they are protesting the application. Mr. Hardy submitted a petition (Exhibit "L-5") with 62 signatures of the area residents protesting the application. He informed that the applicant's parents own a home near the lake where they are presently residing. Mr. Hardy stated that the home at 1320 South Guthrie Ave., has been sold and is being restored as a residence. Mr. Hardy read and submitted correspondence (Exhibit "L-6") supporting his reasons for objecting to the Blackwood property being granted a use variance to permit law offices. He also submitted a copy of the Riverview Newsletter (Exhibit "L-7") informing members of the Association, of the applicant's pending proposal. Mr. Hardy submitted an Oklahoma Statutes Annotate (Exhibit "L-8") of Title 11 Municipal Code citing the powers of the Board of Adjustment. He submitted a memorandum from INCOG (Exhibit "L-9") concerning the Acquisition of less than fee easement of the McBirney Mansion - Oklahoma Historical Society. Mr. Hardy objected to the subject property being used as law offices because he added that the Blackwood property is smaller than the McBirney Mansion. The subject property has unique residential value because of its proximity to the Riverview Parks. He added that the property is in an RM-2 District and there are apartments in the area but there has been no construction of apartments in the last ten years. Mr. Hardy asked the Board to decline the application because the area is residential and people are buying homes in the area to be used as residences.

Sally Davis, 1315 South Guthrie Avenue, advised that she resides south of the subject property and if the application is allowed, she believes it would disrupt the area and lower the value of the property. Mrs. Davis stated that the Tulsa Historical Preservation Society does have plans to revitalize the property that it may be used as single-family residential.

Board Action:

On MOTION of SMITH, the Board 3-0 (Lewis, Smith and Purser "aye", Jolly and Walden "absent") denied the Variance (Section 410 - Principal Uses Permitted in Residential Districts - Section 2111 - Office and Studios - Under the Provisions of Section 1670) to permit law offices on the following described tract:

2.16.78:254(20)

Lots 10 and 11, Block 7, Childers Heights Addition to the City of Tulsa, Oklahoma.

9859

Action Requested:

Variance (Section 330 - Bulk and Area Requirements in the Agricultural District - Under the Provisions of Section 1630 - Minor Variances) of the frontage and area requirements in an AG District located at 6212 East 101st St.

Presentation:

The Staff advised that the Planning Commission approved the minor variance subject to the approval of the Board.

Protests: None.

Board Action:

On MOTION of SMITH, the Board 3-0 (Lewis, Smith and Purser "aye", Jolly and Walden "absent") approved the Variance (Section 330 - Bulk and Area Requirements in the Agricultural District - Under the Provisions of Section 1630 - Minor Variances) of the frontage and area requirements on the following described tract:

The E. 140' of the N. 622' of the E/2, E/2, NW/4, NE/4; and the W. 140' of the E. 280' of the N. 622' of the E/2, E/2, NW/4, NE/4; and the E. 127.5' of the N. 462' of the W. 140' of the E. 280' of the N. 622' of the E/2, E/2, NW/4, NE/4; and the S. 160' of the W. 140' of the E. 280' of the N. 622' of the E/2, E/2, NW/4, NE/4; and the W. 12 1/2' of the N. 462' of the W. 140' of the E. 280' of the N. 622' of the E/2, E/2, NW/4, NE/4 of Section 27, Township 18 North, Range 13 East in the City and County of Tulsa, Oklahoma, containing 10 acres.

9860

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670) of the front setback requirements from 85' to 75' from the center line of the street in an RS-1 District located at 7513 South Harvard Avenue.

Presentation:

Jack Arnold, Architect with Arnold and Buoen, applied for a variance of a 10' setback from Harvard Avenue to build a home. Mr. Arnold stated that without the variance they cannot construct the style of home requested because of a curve in the property. The applicant submitted a plot plan (Exhibit "M-1") showing the proposed house with the requested setback and advised that they have 13,000 square feet of lot area and the structure will occupy approximately 7% of the area. Mr. Arnold stated that the house will be elevated 20' above Harvard with a lower living level in the basement and a garage in the basement. He informed of the pool to be located on the west side of the home. He also submitted a plat (Exhibit "M-2") showing the separate tracts and the curve in the property. The applicant advised that the south property line is 220' and the west is 250'.

Protests: None.

Board Action:

On MOTION of LEWIS, the Board 3-0 (Lewis, Smith and Purser "aye", Jolly and Walden "absent") approved the Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670) of the front setback requirements from 85' to 75' from the center line of the street, subject to the plat submitted on the following described tract:

A tract of land situated in a part of the SE/4 of the NE/4 of Section 8, Township 18 North, Range 13 East, Tulsa County, State of Oklahoma and being more particularly described as follows, to-wit:

Commencing at the SE corner of the NE/4 of said Section 8, Township 18 North, Range 13 East; thence North $0^{\circ}-11'-40''$ East along the East line of said NE/4 of Section 8 a distance of 156.80' to the point of beginning; thence North $82^{\circ}-58'-59''$ West a distance of 122.26' to a point on the Easterly right-of-way line of South Harvard Avenue; thence North $31^{\circ}-10'-34''$ East along said right-of-way line a distance of 127.02' to a point of curve to the left; thence along said curve to the left having a central angle of $10^{\circ}-18'-14''$ and a radius of 715.84' a distance of 128.73' to a point on the East line of said NE/4 of Section 8; thence South $0^{\circ}-11'-40''$ West along said East line of the NE/4 of Section 8 a distance of 239.14' to the point of beginning and containing 13,534.496 square feet or 0.311 acres, more or less.

Board Member Smith stated that the company with whom he is employed prepared the applicant's plat of survey and normally he would abstain from voting on the matter; however, three "aye" votes are required to approve an application, therefore he seconded the motion to approve the application.

9861

Action Requested:

Variance (Section 730 - Bulk and Area Requirements in Commercial Districts - Under the Provisions of Section 1670) of the 10' setback requirements from an R District; and a Variance (Section 1213.4 - Off-Street Parking and Loading Requirements - Under the Provisions of Section 1670) of the parking requirements for a laundry facility; and an Exception (Section 250.3 (d) - Modification of the Screening Wall or Fence Requirements) to remove the screening requirements where physical features will provide visual separation of uses in a CS District located north and west of 15th Street and Trenton Avenue.

Presentation:

The Staff advised that the applicant was out of town and requested a continuance until March 2, 1978.

Protests: None.

Board Action:

On MOTION of SMITH, the Board 3-0 (Lewis, Smith and Purser "aye", Jolly and Walden "absent") continued application #9861 until March 2, 1978, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

9862

Action Requested:

Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1220 - Commercial Recreation: Intensive) to locate an outdoor skate board tract in a CS District; and an Exception (Section 250.3 (d) - Modification of the Screening Wall or Fence Requirements) to modify the screening requirements where the purpose of the screening requirement cannot be achieved located at 1520 South Memorial Drive.

Presentation:

The applicant, Ralph Jones, requested to erect a skate board park and that the screening requirements be changed as necessary. Mr. Jones informed the Board of a creek on the south side of the subject tract which is a part of the screening area that would not be possible to screen.

Board Member Smith advised that his firm is currently employed by the owner on a drainage study of the property. This study will determine how the property can be used. Therefore, he suggested a continuance until more Board members were present in order that he may abstain.

Protests: None.

Board Action:

On MOTION of LEWIS, the Board 3-0 (Lewis, Smith and Purser "aye", Jolly and Walden "absent") continued application #9862 until March 2, 1978, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

9863

Action Requested:

Variance (Section 730 - Bulk and Area Requirements in Commercial Districts - Under the Provisions of Section 1630 - Minor Variance) of the frontage requirements in a CS District to permit a lot-split (L-14241) located at 3815 South Harvard Avenue.

Presentation:

The Staff advised that the Planning Commission approved the lot-split (L-14241) subject to the approval of the Board and submitted a photo (Exhibit "N-1") showing the subject property.

Mr. Gardner, TMAPC Staff, advised that the map shown to the Planning Commission was not the same one that is being reviewed by the Board, but the end result is the same and he suggested that the Board approve the lot-split subject to the approval of the Planning Commission and let them look at their action again.

Protests: None.

Board Action:

On MOTION of SMITH, the Board 3-0 (Lewis, Smith and Purser "aye", Jolly and Walden "absent") approved the Variance (Section 730 - Bulk and Area Requirements in Commercial Districts - Under the Provisions of Section 1630 - Minor Variances) of the frontage requirements to permit a lot-split (L-14241) subject to the approval of the Planning Commission on the following described tract:

The North 100' of the South 334.89' of Lot 9, Block 4, in Eisenhower Third Addition, to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof.

Action Requested:

Variance (Section 330 - Bulk and Area Requirements in the Agriculture District - Under the Provisions of Section 1630 - Minor Variances) of the frontage requirements in an AG District to permit a 264' frontage on a tract of record prior to January 1, 1976 located at 2817 East 161st Street.

Presentation:

The applicant was not present and the Staff advised that the applicant was requesting a variance to the frontage requirements for an existing lot in an AG District to permit the existing 264' frontage. Mr. Jones advised that the ordinance requires 300' of frontage and the application is for a minor variance, per plot plan submitted (Exhibit "0-1").

Protests: None.

Board Action:

On MOTION of SMITH, the Board 3-0 (Lewis, Smith and Purser "aye", Jolly and Walden "absent") approved the Variance (Section 330 - Bulk and Area Requirements in the Agriculture District - Under the Provisions of Section 1630 - Minor Variances) of the frontage requirements in an AG District to permit a tract with 264' of frontage which existed prior to January 1, 1976, subject to the plot plan submitted, on the following described tract:

The East 99' of the W/2 of the W/2 of the SW/4 of the SE/4 and the W/2 of the E/2 of the W/2 of the SW/4 of the SE/4, all in Section 20, Township 17 North, Range 13 East, Tulsa County, Okla., containing 8 acres, more or less.

Action Requested:

Variance (Section 330 - Bulk and Area Requirements in the Agricultural District - Under the Provisions of Section 1630 - Minor Variances) of the frontage requirements in an AG District to permit a lot-split (L-14245) located NE of 76th Street North and Sheridan Road.

Presentation:

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

Protests: None.

Board Action:

On MOTION of SMITH, the Board 3-0 (Lewis, Smith and Purser "aye", Jolly and Walden "absent") approved the Variance (Section 330 - Bulk and Area Requirements in the Agricultural District - Under the Provisions of Section 1630 - Minor Variances) of the frontage requirements in an AG District to permit a lot-split (L-14245) subject to the approval of the Board on the following described tract:

2 1/2 acres of the N/2 of the NW/4 of the S/2 of the NW/4 of the SW/4 of the SW/4 of Section 26, Township 21 North, Range 13 East of the IBM, Tulsa County, Oklahoma, according to the U. S. Government Survey thereof.

The 165' of the N/2 of the above legal description and the remainder 165' of the S/2 of the above legal description, all in Section 26, Township 21 North, Range 13 East of the IBM, Tulsa County, Oklahoma, according to the U. S. Government Survey thereof.

9876

Action Requested:

Variance (Section 280 - Structure Setback from Abutting Streets - Under the Provisions of Section 1630 - Minor Variances) to locate a sign 30' from the center line of 71st Street (Ordinance requires 60' from center line in a CS District) located at 2323 East 71st Street.

Presentation:

The Staff advised that the applicant was present earlier but was unable to remain, but did inform the Staff of his proposal and submitted a photo (Exhibit "P-1") of the site.

Mr. Gardner, TMAPC Staff, advised that the sign is a double face, free-standing lighted pole sign. He advised that the sign will be to the west of the proposed future right-of-way which is not dedicated. The sign will be located on the applicant's property. Mr. Gardner then instructed the Board that a removal contract would be required for the removal of the sign if and when the street is widened.

Protests: None.

Board Action:

On MOTION of SMITH, the Board 3-0 (Lewis, Smith and Purser "aye", Jolly and Walden "absent") approved the Variance (Section 280 - Structure Setback From Abutting Streets - Under the Provisions of Section 1630 - Minor Variances) to locate a sign 30' from the center line of 71st Street (the Ordinance requires 60' from the center line) subject to a removal contract on the following described tract:

The S/2 of the SE/4 of the SE/4 of the SE/4 of Section 6, Township 19 North, Range 13 East, in the City of Tulsa, Oklahoma.

9877

Action Requested:

Variance (Section 280 - Structure Setback From Abutting Streets - Under the Provisions of Section 1630 - Minor Variances) of the setback requirements from 50' to 35' to permit the erection of a sign in a CH District located at 4718 East 11th Street.

Presentation:

Larry Waid, A-Max Sign Company representing Braum's Ice Cream Company, applied to locate the sign 35' from the center line of the street and advised that if the sign was set back farther, it would not be as visible. Mr. Waid submitted two photos (Exhibit "Q-1 and Q-2") of the sign. He also submitted a plot plan (Exhibit "Q-3") of the building location and the sign. Mr. Waid also submitted a rendering (Exhibit "Q-4") of the double face, 8' x 14' illuminated sign with molded plex faces, steel frame and cabinet.

Protests: None.

Board Action:

On MOTION of LEWIS, the Board 3-0 (Lewis, Smith and Purser "aye", Jolly and Walden "absent") approved the Variance (Section 280 - Structure Setback From Abutting Streets - Under the Provisions of Section 1630 - Minor Variances) of the setback requirements from 50' to 35' to permit the erection of a pole sign, subject to a removal contract on the following described tract:

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

OTHER BUSINESS:

Resolution of Appreciation for Dr. E. T. Guerrero.

Dr. Guerrero former member of the Zoning Board of Adjustment resigned effective December 1, 1977 and the Resolution was acknowledged by the Board.

On MOTION of SMITH, the Board 3-0 (Lewis, Smith and Purser "aye", Jolly and Walden "absent") adopted the following Resolution.

WHEREAS, the Tulsa Board of Adjustment wishes to acknowledge members who have made significant contributions toward the orderly growth and development of the Tulsa Metropolitan Area; and

WHEREAS, Dr. E. T. Guerrero served on the Tulsa Board of Adjustment for a period of four years, from December 1, 1973 through December 1, 1977 and served as Chairman from June 17, 1976 through June 2, 1977; and

WHEREAS, he had given freely of his time, experience, and abilities toward the development of a better environment for present and future citizens; and

WHEREAS, such service has been given at considerable personal sacrifice.

THEREFORE, the Members of the Board wish to express our deepest appreciation for the concern and service which was given by our former member, E. T. Guerrero.

APPROVED and ADOPTED this 16th day of February, 1978.

There being no further business, the Chair declared the meeting adjourned at 7:20 p.m.

Date Approved

March 16, 1978

Dorothy J. Purser
Chairman

9877 (continued)

Protests: None.

Board Action:

On MOTION of LEWIS, the Board 3-0 (Lewis, Smith and Purser "aye", Jolly and Walden "absent") approved the Variance (Section 280 - Structure Setback From Abutting Streets - Under the Provisions of Section 1630 - Minor Variances) of the setback requirements from 50' to 35' to permit the erection of a pole sign, subject to a removal contract on the following described tract:

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

OTHER BUSINESS:

Resolution of Appreciation for Dr. E. T. Guerrero.

Dr. Guerrero former member of the Zoning Board of Adjustment resigned effective December 1, 1977 and the Resolution was acknowledged by the Board.

On MOTION of SMITH, the Board 3-0 (Lewis, Smith and Purser "aye", Jolly and Walden "absent") adopted the following Resolution.

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THEREFORE, the Members of the Board wish to express our deepest appreciation for the concern and service which was given by our former member, E. T. Guerrero.

APPROVED and ADOPTED this 16th day of February, 1978.

There being no further business, the Chair declared the meeting adjourned at 7:20 p.m.

Date Approved _____

Chairman

2.16.78:234(26)