

BOARD OF ADJUSTMENT
MINUTES of Meeting No. 255
Thursday, March 2, 1978, 1:30 p.m.
Langenheim Auditorium, City Hall
Tulsa Civic Center

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

The notices of said meeting and agenda were posted in the Office of the City Auditor, 9th Floor, Room 919, City Hall, on February 28, 1978, at 2:25 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 1:33 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:

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 was present. The Staff advised that the application was continued from the last meeting since there were only three Board Members present including Board Member Smith who is currently employed by the owner of the subject property. Mr. Smith again asked that the application be continued to March 16, 1978 in order that he may abstain from voting.

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 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; Lots 1, 2, 8, 9 and 14, Block 3; Lots 4, 5 and 21, Block 4; and ALL lots located in Belmont Hills Addition in an RM-1 District, located on the northwest corner of 91st Street and Sheridan Road.

Presentation:

Jerry B. Farrar, Chief Engineer with Breisch Engineering Company, Inc., 420 South Boulder Avenue, representing the owner of the subject property, applied for a variance of the front and side yards setback. Mr. Farrar stated that they have presented the preliminary plat to the Technical Advisory Committee and have a copy of their recommendation. He stated that the plat was submitted to the Board six months ago with a different development concept, but since that time the developer has changed his mind on the type of development. Mr. Farrar added that the preliminary plat has been reviewed and the Staff has no objections, except the preliminary plat has not been before the Planning Commission.

Board Member Lewis asked the applicant to explain his hardship. The applicant stated that the setback waivers are being requested because of the topography and dimensions of the subject property and without the variance he will be unable to use several of the lots, which is a matter of economics.

The Chair then informed the applicant that the Board could not consider an economical hardship. Mr. Farrar advised that the subject property has a steepness on the north side which is part of the subdivision and makes it difficult to design a street layout with the required setback. He added that the developer is reducing the intensity by reducing the number of units.

Mr. Gardner, TMAPC Staff, advised that on Lot 16 from the southeast corner of the lot to the northwest corner is a 20' difference in elevation. This problem with street grades needs to be resolved with the City Engineer, before the plat can be finalized.

Protests:

Fred Manton, 8800 South Sheridan Road, advised that he owns the abutting property to the north and advised that he is not protesting the application but asked that a 6' high privacy fence be erected.

Board Member Smith stated that if the application is approved the fencing will be included in the motion.

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 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; Lots 1, 2, 8, 9, and 14, Block 3; Lots 4, 5 and 21, Block 4; and ALL Lots located in Belmont Hills Addition, per plot plan submitted, with the stipulation that any changes in the subject plat may void this action and that fencing be required on the north and west boundaries (finished side out) on the following described tract:

The East 737' of the SE/4, SE/4, of Section 15, Township 18 North, Range 13 East, Tulsa County, Oklahoma, LESS and EXCEPT the South 549.43' of the East 486' thereof.

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 north and west of Frankfort Avenue and 61st Street North.

Presentation:

Bobby Vaughn, Supervisor of the Turley Children's Home, applied to operate the home for dependent children. Mr. Vaughn submitted a written history (Exhibit "A-1") of the beginning of the operation. He advised that a 40-acre tract was purchased in 1947 at 61st Street North and Cincinnati Avenue. The tract contained a house that was later destroyed by fire. Cottages were built and at present there are five cottages that house ten to twelve children per cottage. He advised that each house is staffed with a set of house parents. Mr. Vaughn submitted a plot plan (Exhibit "A-2") showing the cottages and other buildings. The site contains an administration building, a shop, gym, swimming pool, tennis court and etc. Mr. Vaughn stated that they would like to expand and were unaware that Board of Adjustment action was necessary until after applying for a building permit. He informed that their plans are to remove 2 older structures and replace them with modern facilities. He informed that they purchased two additional acres and located three mobile homes on the property as part of their overall operation. They need to maintain these 3 mobile homes on a permanent basis in order to keep the proper staff. He stated that the hook-ups are already in place and there will never be more than three.

He also stated that they are proposing to build a mechanics workshop and a baseball diamond as recreational activities for the children. Mr. Vaughn informed that the present workshop has been condemned. He further added that they have already raised the money to build the proposed building.

Mr. Gardner, TMAPC Staff, advised that the applicant is asking that the Board not place a time limit for the 3 mobile homes to remain on the property because the mobile homes are used by house parents and are accessory to the children's home operation and have been there for several years.

The Chair asked the applicant if the organization had plans to build more cottages in order to have separate quarters from the children. The applicant advised that they do not plan to provide the athletic director and other teachers with homes. They will not ever have more than three mobile home hook-ups. The Chairman also advised that she was reluctant not to place a time limit on the placement of the mobile homes because the applicant does have property to expand into.

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 1205 - Community Services and Recreational Facilities) to operate the Turley Children's Home, subject to the plot plan submitted and as represented, and that the mobile homes be limited to a total of three for a period of five-years, on the following described tract:

S/2 of Lot 5, All of Lots 6 & 7, Block 4, Fairview Heights Addition to the Town of Turley, Tulsa County, Oklahoma; and the SW/4, NW/4 of Section 1, Township 20 North, Range 12 East, Tulsa County, Oklahoma.

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:

Attorney, Tom Birmingham, 410 Beacon Building, representing the applicant, Walter Yost, applied to locate a fabrication shop on the subject property. Mr. Birmingham advised that the applicant appeared before the Board but the application was continued in order for the Board or one of its members to go out and observe their present shop already in operation. Mr. Birmingham submitted four photos (Exhibits "B-1, 2, 3 and 4") showing similar buildings and uses in the area as the use proposed. He also submitted a plot plan (Exhibit "B-5") showing the layout of the building on the subject tract. Mr. Birmingham advised that there will be no doors to the building on the west side and that access to the building will be from the east as well as the bulk of the parking. He stated that on one side of the building is a 50' dedicated street and there they will build a brick screening fence. Mr. Birmingham further noted that the building walls are concrete, 8" thick and insulated by urethan foam. The office area is in the front of the building. Mr. Birmingham added that the exterior of the building will be done in aggregate concrete.

Board Member Lewis advised that he went out to visit and observe the shop already in operation and found the noise level to be extremely light.

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 1225 - Light Manufacturing and Industry) to permit a light machine shop as presented, and subject to the plot plan submitted on the following described tract:

A part of the NW/4 of the NE/4 of Section 34, Township 19 North, Range 12 East of the IBM, Tulsa County, State of Oklahoma, described as follows:

Beginning at a point 457' South of the NE corner thereof and run thence West along the South line of U. S. Highway 66 Bypass Right-of-Way a distance of 200'; thence South 500'; thence East 200'; to the East line of said NW/4 of the NE/4; thence North 500' to the point of beginning less and except a right-of-way easement off the North portion of the above described tract of land described by metes and bounds as follows:

Beginning at a point where the present South right-of-way line of Interstate Highway 44 intersects the East line of said NW/4 of the NE/4 457' South of the NE corner of said NW/4 of the NE/4; thence West along said right-of-way line a distance of 200'; thence South a distance of 43.65'; thence South 77°-18'-00" East a distance of 205.26' to a point on the East line of said NW/4 of the NE/4; thence North along said East line a distance of 93' to the point of beginning.

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:

Attorney, Phil Eller, 201 West 5th Street, representing Mr. and Mrs. Schwegman, applied for a 10' building setback waiver, a variance of the off-street parking requirements and a special exception to remove the screening requirements on the north. He advised that the applicant is also requesting to build across a lot line. Mr. Eller stated that the subject property is located at 15th Street and Trenton Avenue and abuts Lot 3 on the north. He advised that the parking is to the south of the subject property fronting on 15th Street. The rear wall of the structure itself is solid concrete, no windows or doors to the north and the building will effectively screen the RS-2 District. Mr. Eller advised that the building will be within 2' of the fence with all parking to the front. He advised that the hardship is the shape and narrowness of the property as well as the location. He stated that by locating the building nearer the boundary line will allow the parking area to be placed next to 15th Street and away from the R District. The proposed building is a laundry and dry cleaning service, with professional type services as well as the 8 lbs. dry cleaning. The dry cleaning service involves the use of machines that will be operated by the applicant as well as a public laundry. Mr. Eller also stated that the cleaning service does require the use of synthetic fluids. He advised that he does have a steam boiler as well as a water heater but they are located in the basement. He advised that the laundry is coin operated. Mr. Eller submitted a petition (Exhibit "C-1") in support of the application and advised that the structure will only better the area. He also submitted two pieces of correspondence (Exhibit "C-2") from Howard Johnson, Doctors Foot Clinic, 3020 South Harvard Avenue

and (Exhibit "C-3") March Conner, area resident, 1511 South Trenton Ave., and neither party had any objections to the proposal. Mr. Eller informed that the structure will be constructed in such a manner as to effectively screen the RM-2 zoning district from the CS zoning district. He stated that the rear wall of the building will extend beyond the building and will provide visual separation, therefore, he is requesting the removal of the screening fence.

Board Member Lewis questioned the location of the loading and unloading of the laundry and dry cleaning. Mr. Eller stated that Mr. Schwegman does operate one truck for pick up and delivery services, but the loading and unloading will be toward the northeast corner of the building. He stated that there will be one drive-in window for laundry drop off. Mr. Eller informed that the proposal will not create any traffic, noise or pollution problems and that the proposal has been given support by Mr. Wynn of the District 6 Planning Team. Mr. Eller felt that the proposal would better the area as well as the neighborhood.

Mr. Gardner, TMAPC Staff, advised that there is a CH zoning application pending with the City Commission which does not require the setback or exception if zoned CH; however the Planning Commission has recommended CS zoning which does require a waiver. Therefore if the Board application is approved, it would be subject to City Commission approval of the CS zoning. He further informed that the District 6 Planning Team did write a letter in support of the application and Mr. Gardner felt the proposed development is a better solution with the parking on the front.

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 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, subject to the plot plan as presented, and subject to a tie contract with the City to tie the property together so that the lots could not be sold separately, on the following described tract:

Lot 4, Block 2, Clark's Addition to the City of Tulsa, Oklahoma.

NEW APPLICATIONS:

9858

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 (6) - Mobile Homes) to maintain a mobile home in an RS-3 District (bond required), located at 6317 South 103rd East Avenue.

Presentation:

The applicant, John Goedecke was not present, but was represented by his brother Martin, who applied to maintain the mobile home on the subject property for his mother who is 85 years of age. Mr. Goedecke stated that the mobile home is located directly behind the residence and cannot be seen from the street.

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) - Mobile Homes) to maintain a mobile home for a period of one year with a removal bond required on the following described tract:

The West 327.5' of Lot 2, Block 6, Union Gardens Addition to the City of Tulsa, Oklahoma.

9866

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) to have an Elks Lodge in an RM-1 District located at 611 East Queen Street.

Presentation:

Tommy L. Matthews, 1439 North Cheyenne, representing the Cosmopolitan Elks Lodge #247, advised that they have contracted for a one year lease on a building at the subject address. We are requesting a special exception to the zoning to allow the Lodge. Mr. Matthews stated that they were of the opinion that the subject location was zoned for business but when they made application for a license they found that it was not zoned for business. Therefore they are requesting the approval for one year. He advised that they are presently in the building.

Mr. Gardner, TMAPC Staff advised that if the subject property were zoned CS, the proposed use would be permitted as a matter of right. He advised that the commercial building has not been zoned, and therefore, a special exception is required. Mr. Gardner further advised that the lease is for one year but the applicant is not saying they plan to relocate after one year, and the Board may want to consider approving the application for more than a year and condition the approval on this use for as long as the Lodge uses the facility.

Protests:

Jerry Sutton, Urban Renewal Authority, advised that the subject property is located in the Urban Renewal area that is designated for residential uses, and asked if the application could be permitted by an exception. The Chair advised that it could be, under the terms of the Zoning Code. Mr. Sutton then stated that he was not protesting the application but wanted to make sure that the operation was a non-profit fraternal organization as apposed to a bar or night club.

Board Member Smith questioned the type uses proposed and if a club was included in the operation. The applicant stated that the Lodge would be open for business during the week and for recreational purposes on Friday and Saturday and is restricted to Lodge members only. He stated that there is a recreation and social room for their activities.

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 1205 - Community Services, Cultural and Recreational Facilities) to have an Elks Lodge for a period of one year on the following described tract:

Lot 5, Block 2, Dunbar Addition to the City of Tulsa, Oklahoma.

9867

Action Requested:

Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1209 - Mobile Home Dwelling) to locate a mobile home in an AG District located NE of 76th Street North and Victor Avenue.

Presentation:

Dan Taylor, 2015 East 76th Street North, applied to locate a mobile home on the subject property for five years. Mr. Taylor advised that his home was destroyed by fire shortly before the Thanksgiving Holiday and he is requesting to locate the mobile home on the 7.5-acre tract for five years until he can rebuild his home. He advised that the property was originally an eighteen acre tract which was split, and his brother does have a mobile home on the other piece of the property. He advised the Board that several other mobile homes were within a two block radius of the subject property.

Mr. Gardner, TMAPC Staff, advised that the property to the north and northeast is in a floodplain area and the mobile home should be located to the west on higher ground.

The applicant informed that the mobile home will be located to the west of the creek area, and immediately off the property line and onto a higher portion of the property.

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 310 - Principal Uses Permitted in the Agriculture District - Section 1209 - Mobile Home Dwellings) to locate a mobile home for a period of five years on the following described tract:

The N/2 of the NW/4 of the SE/4 and the E/2 of the SW/4 of the SE/4 and the SW/4 of the SW/4 of the SE/4, ALL in Section 30, Township 21 North, Range 13 East of the Indian Base and Meridian, LESS and EXCEPT the West 462.81' of the South 640' thereof and LESS and EXCEPT an irregular tract in the S/2 of the SW/4 of the SE/4 described as follows: Beginning at a point 666.81' East of the SW corner of said S/2 of the SW/4 of the SE/4; thence East along the South line of said 20 acres a distance of 222'; thence North and West a distance of 391', at this point the direction is almost due North, a distance of 249', said point being approximately 20' South of the North line of said 20 acres; thence West parallel to the North line of said 20 acres 116' to a point approximately 666.81' East of the West line of said 20 acres; thence South approximately 640 feet to the point of beginning, containing 2.33 acres; and LESS and EXCEPT 3 acres in said S/2 of the SW/4 of the SE/4 described as follows: Beginning at a point 462.31' East of the SW corner of said 20 acres on the South line thereof; thence North on a line parallel to the West line of said 20 acres a distance of 640', said point being approximately 20' South of the North line of said 20 acres; thence East on a line parallel to the North line of said 20 acres a distance of 204.5'; thence South on a line parallel to the East line of said 20 acres a distance of 640' to the South line of said 20 acres; thence West along the South line of said 20 acres a distance of 204.5' to the place of beginning, ALL in Section 30, Township 21 North, Range 13 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Survey thereof.

Action Requested:

Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1204 - Public Protection and Utility Facilities and Temporary Open Air Uses) to permit the construction of a Rural Water District Utility Office in an AG District. (Being relocated because of highway construction); and a Variance (Section 330 - Bulk and Area Requirements in the Agriculture District - Under the Provisions of Section 1670) of the frontage requirements in an AG District from 300' to 208' located at 2425 West 121st Street.

Presentation:

Augusta Phillips representing the Creek County Rural Water District #2, applied to locate an office on the subject property. She advised that the present building was taken by the State Highway Department. Ms. Phillips advised that the water district does have a 12 year supply to serve approximately 2,000 families including the Creek, Tulsa, Keifer and Glenpool areas. She stated that they were unaware of the frontage

requirement and submitted a plot plan (Exhibit "D-1") showing the proposal and the elevation plans.

Mr. Gardner, TMAPC Staff, informed that the variance is requested because of the shape of the property and the applicant is prepared to live with the plot plan and that the building is of a permanent nature. Mr. Gardner further added that the office is attractive and resembles a house.

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 310 - Principal Uses Permitted in the Agriculture District - Section 1204 - Public Protection and Utility Facilities and Temporary Open Air Uses) to permit the construction of a Rural Water Utility Office in an AG District. (Being re-located because of highway construction); and a Variance of Section 330 - Bulk and Area Requirements in the Agriculture District - Under the Provisions of Section 1670) of the frontage requirements as presented, per plot plan submitted on the following described tract:

The South 626.13' of the West 208.71' of the W/2, SE/4, of Section 24, Township 18 North, Range 13 East, Tulsa County, Oklahoma.

Action Requested:

Appeal (Section 1650 - Appeals From The Building Inspector) to remove a building constructed on the property line; and a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670) to permit a roof extending from the house to a fence to remain in an RS-3 District located at 4562 East 38th Place.

Presentation:

Thomas Carnegey, 4562 East 38th Place, advised that he is appealing the decision of the Building Inspector to remove the building constructed on the property line. Mr. Carnegey stated that the roof does overhang the property line but the building was constructed when he moved there and he has been residing there for seven years. Mr. Carnegey submitted a photo (Exhibit "E-1") showing the proposed storage and stated that he put on a new roof and built the building higher but did not increase the square footage dimension. Mr. Carnegey advised that the building is used for storage and is his only means of storage. He informed the Board of a 25-foot easement across the back lot. There is a manhole cover located in the SW corner of the lot which does not permit the erection of an accessory building in the back yard. Mr. Carnegey informed that his hardship is that the building was in existence when he purchased the property and asked that the Board allow it to remain.

Board Member Smith questioned the overhang of the roof and asked if the water ran off on the adjoining property. The applicant stated that the storage building is 8' x 22' and there is approximately 8' between his home and the property line.

Mrs. Miller, Building Inspector's Office, stated that her office received a complaint. An Inspector was sent out and found a violation of a building being built without obtaining a permit. She advised that according to the complaint the structure is a recent construction that could not possibly meet the Code.

The Chair questioned if the Board could uphold the Building Inspector's decision and approve the structure. The applicant stated that since the building has been extended higher, it does extend over on the neighbor's property and he does plan to correct the situation to assure that no water drains on the abutting property.

Mr. Gardner, TMAPC Staff, advised that the Board should be concerned with the drainage and distance between structures. The Board may want to continue the application in order that some of the Board members can go out and observe the building.

Protests: None.

Board Action:

On MOTION of SMITH, the Board 3-0 (Lewis, Smith and Purser "aye", Jolly and Walden "absent") continued application #9869 until March 16, 1978, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

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 9'; and a Variance to permit building across a lot line in an RD District located on the NW corner of 15th Street and 83rd East Avenue.

Presentation:

Pat Cantrell representing Jerry Cantrell, applied for a variance of the rear yard requirements to build single-story duplexes. Mrs. Cantrell submitted a plot plan (Exhibit "F-1") and advised that the manner in which they are proposing to erect the units on the lot is the only way the units can be erected and maintain the beauty of the project. She advised that the existing rear yard setback requirement is 20' and if the project is moved back to meet the rear yard requirements, the garage will protrude past the front setback line. They are proposing to build and enclose a garage in keeping with the neighborhood and maintain the single-family look. Upon questioning by the Chairman the applicant stated that they are proposing to erect a 6' high privacy cedar fence in back and the enclosed garage will help the surrounding neighbors as well as provide storage space.

Alan Jackere, Legal Department, advised that it would be appropriate to grant permission to build across the lot lines but the Board should be assured that there are no utility easements across the property.

Protests:

Charles Buck, 8303 East 15th Street, requested to know what the applicant was proposing. He advised that the property was developed in 1930 with large lots of 1.5 and 2 acres and the smallest lot being 3/4-acre, and

at that time the streets were designed for low-density. He stated that 15th Street does not have shoulders which makes it very difficult for two cars to meet without running off the Street. He admitted the style was attractive but that did not warrant a variance of building across the property line. Mr. Buck added that a duplex dwelling tends to attract children and with traffic on 15th Street as it is, he does oppose three duplex structures on the subject property.

Mr. Gardner, TMAPC Staff, advised that the applicant needed 6,900 sq. ft. per lot with a depth of 80' on each lot and 86' of frontage. The applicant has 289' of frontage which is more than enough to build the three duplexes. He advised that if the duplexes were not constructed closer to Memorial then they would be closer to the protestant.

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 rear yard requirements from 20' to 9'; and a Variance to permit building across a lot line subject to a letter of release from each utility company and approved as presented per elevations and plans submitted on the following described tract:

The East 80' of Lots 5 and 6, Block 10, Forest Acres Addition to the City of Tulsa, Oklahoma.

Action Requested:

Variance (Section 930 - Bulk and Area Requirements in the Industrial Districts - Under the Provisions of Section 1670) of the setback requirements on the north, west, and south from an R District; and of the setback requirements on the east from 25' to 3'; and an Exception (Section 250.3 (d) - Modification of the Screening Wall or Fence Requirements) to modify the screening requirement where an alternative screening will provide visual separation of uses in an IL District located at 1333 East 2nd Street.

Presentation:

Lois Ferguson was represented by Mr. Bossey, who applied for a 3' setback off Quincy Avenue and 25' off 2nd Street and to use the building wall as a fence. Mr. Bossey submitted a plot plan (Exhibit "G-1") of the proposed building and advised that the business is wholesale warehousing. He advised that the requested setbacks would suffice for his achievement as well as any future developments. He advised that the request to remove the screening on the west property line is because the subject property has recently been rezoned IL and all of the area is planned for industry. He also submitted 3 photos (Exhibits "G-2, G-3 and G-4") showing various views of the subject area and advised of a brick apartment house to the north of the subject property.

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 930 - Bulk and Area Requirements in the Industrial Districts - Under the Provisions of Section 1670) of the setback requirements on the north, west and south from an R District; and of the setback requirements on the east from 25' to 3'; and an Exception (Section 250.3 (d) - Modification of the Screening Wall or Fence Requirements) to modify the screening requirements where an alternative screening building wall will provide visual separation of uses in accordance with the plot plan submitted on the following described tract:

Lots 19 and 20, Block 13, Lynch & Forsythe 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 operate a car wash in a CS District located south and east of 27th Street and Memorial Drive.

Presentation:

The applicant Donald L. Carolan was not present, but represented by his partner Jim Carroll, who applied to operate a car wash at the subject location. Mr. Carroll advised that the car wash will consist of six bays, self-service 24-hour operation and we will not have a full-time attendant. He advised that he does reside in the immediate area and will check the operation periodically. Mr. Carroll informed that to the west is a vacant lot and to the east is a restaurant and the car wash will be immediately to the west of the Bar-B-Que restaurant. He advised that the bays will run north-south and you enter from the north. To the south is an area that will be used for drying of cars. He submitted a rendering (Exhibit "H-1") showing the proposal and advised that there will be approximately 85' from the street to the car wash. He advised that the patrons will exit from the adjoining property to the south which is also the property of Mr. Cohen. He advised that to the south is a strip center approximately 150' to 200' away.

The Chair questioned the applicant if he had received a written agreement to exit on the property of Mr. Cohen and the applicant replied that he had not been given written permission, but Mr. Cohen owns both properties and he is leasing the one property. The Chair also questioned the means of disposing of the trash and the applicant advised that there will be a towel dispenser and a trash receptacle at each bay and also will include a vacuum service.

Mr. Gardner, TMAPC Staff, advised that the applicant is leasing the property from the owner of the entire area. Mr. Gardner further added that the bays should not be facing the neighboring businesses and the applicant has turned the car wash to the north-south and the spray washing is not likely to affect the businesses, therefore there is no problems with the spray.

Protests: None.

9872 (continued)

Board Action:

On MOTION of LEWIS, 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 1217 - Automotive and Allied Activities) to operate a car wash in a CS District subject to the plot plan submitted on the following described tract:

The East 100' of the North 150' of Lot 2, Block 2, Tri Center Addition to the City of Tulsa, Oklahoma.

9873

Action Requested:

Variance (Section 930 - Bulk and Area Requirements in the Industrial Districts - Under the Provisions of Section 1670) of the front setback requirements from 75' to 5'; and an 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 in the 2200 Block of South Jackson Avenue.

Presentation:

Jerry E. Sutton, Assistant Executive Director representing the Tulsa Urban Renewal Authority, advised that the subject property is located north of 23rd Street and east of Jackson Avenue. The applicant submitted a plan (Exhibit "I-1") showing the triangular shape of the subject property and advised that the variance is requested because the site is unique in configuration. He advised that the property is zoned IL and to the east is zoned IM. The applicant also requested the removal of the screening fence requirements along the railroad tracks and advised that they are proposing to erect a building to house an assembly operation business and the appearance of the building is more appropriate than a screening fence. In order to utilize the site, he advised that they are requesting a variance of the front setback. The applicant informed the Board of other encroaching buildings in the area.

Mr. Gardner, TMAPC Staff, stated that the building to the south already encroaches on the front setback. The subject property is zoned IL but the Ordinance has not been published.

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 930 - Bulk and Area Requirements in the Industrial Districts - Under the Provisions of Section 1670) of the front setback requirements from 75' to 5'; and an Exception (Section 250.3 (d) - Modification of the Screening Wall or Fence Requirements) where the purpose of the screening requirements cannot be achieved on the following described tract:

Block XIII, Riverview Park Addition to the City of Tulsa, Okla.

Action Requested:

Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1217 - Automotive and Allied Activities) to operate a car wash facility in a CS District located NW of 41st Street and Memorial Drive.

Presentation:

Attorney Nik Jones, representing the owner and applicant Richard Wilhour, 810 North Lewis Place, applied to locate a drive through car wash on the subject property. Mr. Jones advised that the car wash will be a tunnel type, automatically operated facing north-south with entrance on the north from Memorial and added that the cars will be blown dry. He also advised that they are proposing a wall of air on the south wall to prevent soap spray from blowing toward the restaurant on the north. He added the hours of operation have not been firmly established. Tentatively they plan to operate from 7:00 a.m. until 9:00 p.m. Mr. Jones informed the Board of a service station in the immediate area that will be used in connection with the car wash and the station is a full service facility. He submitted a plot plan (Exhibit "J-1") of the proposed car wash.

Richard Wilhour, P. O. Box 50036, advised that he purchased the D-X Service Station approximately one year and a half ago and it is not a 24-hour operation but is fully attended during hours of operation and the car wash will be attended as well.

Board Member Lewis questioned if the hours of the car wash will coincide with the hours of the service station. The applicant stated yes that the service station does have to be attended and he will not operate the car wash unless the service station is in operation.

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 1217 - Automotive and Allied Activities) to operate a car wash facility in a CS District as presented and with the stipulation that if the applicant should revert to an open bay car wash he must come before the Board prior to the changing over of the car wash on the following described tract:

The East 250' of the South 250' of the SE/4, SE/4, SE/4 of Section 23, Township 19 North, Range 13 East, Tulsa County, Oklahoma.

Action Requested:

Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1217 - Automotive and Allied Activities) to erect mini-storage buildings in a CS District; and an Exception (Section 250.3 (d) - Modification of the Screening Wall or Fence Requirements) where the purpose of the screening cannot be achieved in a CS District located at 8118 East 21st Street.

Presentation:

Jim Groves, 3223 East 31st Street, representing the applicant, applied to erect a mini-storage building on the rear of the property and a strip shopping center on the front, with approximately 8,100 square feet of total building area. Mr. Groves submitted a plot ^{plan} (Exhibit "K-1") of the proposed one-story masonry and steel building and advised that the subject property is 270' in depth extending south from 21st Street. He added that there will be no windows, doors or driveways or no entrances to the rear of the building. He submitted three photos (Exhibits "K-2, K-3 and K-4") showing various views of the property and informing of a 10.6' drop in elevation from south to the north. Mr. Groves added that the mini-storage will be used by those tenants leasing at the strip shopping center and that portion that is not used by the tenants will be made available to persons residing in the neighborhood. He stated that they are not anticipating heavy traffic because they are proposing a service type business. Mr. Groves added that with the amount of square footage they are proposing, he foresees no problems leasing the space.

Mr. Groves also applied for the removal of the screening fence and advised that the strip shopping center will provide visual separation.

Mr. Gardner, TMAPC Staff, stated that the retail business and office is permitted by right under the Code. However, the rear mini-storage structure requires an exception and is within 300' of a residential district. Therefore, the Board should be concerned and assured that no open storage or sales will take place on the outside of the rear structure.

Interested Party:

Raymond Petro, Chairman of the Board and representative of the Fourth Church of Christian Scientists, 2121 South Memorial Drive, requested to view the plot plan and proposal. After the Chairman reviewed the plans with Mr. Petro, he advised that the Church is on a large lot near the proposed mini-storage and the future plans for the Church are to use the present church building as the Sunday school and to build a larger building in the rear. He added that if the plans are as proposed then they have no objections.

Ralph Jones, Jr., informed that there are several large trees on the property line and if screened the trees would have to be removed. He advised that the building will be all steel with no openings in the rear, 12' in height and all overhead doors on the north side are painted a natural beige and the paint will not chip, crack or peel. Mr. Jones added that there will be no trash receptacles behind the shopping facility.

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 710 - Principal Uses Permitted in Commercial Districts - Section 1217 - Automotive and Allied Activities) to erect mini-storage buildings and an Exception (Section 250.3 (d) - Modification of the Screening Wall or Fence Requirements)

9875 (continued)

where the purpose of the screening cannot be achieved, subject to the plot plan submitted and that there be no outside storage or sales on the rear of the lot and that the building be painted an earthtone color as presented on the following described tract:

A tract of land being part of Lot 2, Block 1, Memorial Oaks Addition, being more particularly described as follows, to-wit:

Beginning at the northwest corner of said Lot 2; thence due east a distance of 150' to the northeast corner of Lot 2; thence South 0° -17'-10" east along the east line of Lot 2 a distance of 270.91' to the southeast corner of Lot 2; thence South 89° -59'-37" west along the South line of Lot 2 a distance of 150' to a point; thence north 0° -17'-10" west a distance of 90.93' to the southeast corner of Lot 1, Block 1, of said Addition; thence north 0° -17'-10" west along the west line of said Lot 2 a distance of 180' to the point of beginning, containing 0.93 acres, more or less.

Discussion: Mr. Groves asked for an interpretation or definition of the meaning of "outside sales". Mr. Gardner informed the applicant that he would not be allowed to take the merchandise on the outside of the building and place it on the ground for sale.

9880

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variances) of the frontage requirements in an RS-2 District to permit a lot-split (L-14256) located at 57th Street and Harvard Avenue.

Presentation:

The Staff advised that the Planning Commission did not have a meeting March 1, therefore, the Board might wish to condition the approval, subject to the approval of the Planning Commission.

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 1630 - Minor Variances) of the frontage requirements in an RS-2 District to permit a lot-split (L-14256) subject to the approval of the Planning Commission on the following described tract:

A part of the SE/4 of the NE/4 of the NE/4 of the SE/4 of Section 32, Township 19 North, Range 13 East, Tulsa County, Oklahoma, more particularly described as follows, to-wit: Beginning at the southeast corner of the SE/4 of the NE/4 of the NE/4 of the SE/4 of Section 32, T-19-N, R-13-E, Tulsa County, Oklahoma, said point being 50' east of the northeast corner of Lot 3, Block 3, Fairway Estates Second Addition, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof;

thence south 89°-59'-47" west along the north line of Block 3 of Fairway Estates Second Addition a distance of 329.81' to the northwest corner of Lot 2, Block 3 of said Addition; thence north 00°-00'-14" east along the east line of Block 1, Fairway Estates Third Addition, an Addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof, a distance of 330.37' to the southwest corner of Lot 4, Block 1, Harvard Place, an Addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof; thence north 89°-59'-15.7" east along the south line of Block 1 of said Harvard Place, a distance of 329.79' to the northeast corner of said SE/4 of the NE/4 of the NE/4 of the SE/4 of Section 32, T-19-N, R-13-E; thence south 00°-00'-00" east along said east line of Section 32 a distance of 330.42' to the point of beginning, and containing 2.501 acres, more or less.

9881

Action Requested:

Exception (Section 710 - Principal Uses Permitted in Commercial Districts-Section 1217 - Automotive and Allied Activities) to operate an Oklahoma Tire and Supply Store in a CS District located northeast of 46th Street North and Peoria Avenue.

Presentation:

Attorney Bill Jones representing the applicant, requested to operate an OTASCO Store on the subject property. Mr. Jones submitted a plot plan (Exhibit "L-1") and advised that there is presently a Mini-Max and Super Market on the property that is part of a ten acre tract and they are proposing to extend the present building to include the OTASCO Store. He advised that there are two auto bays and they are therefore required to seek an exception.

Board Member Lewis questioned the location of the bays. Mr. Jones stated that the bays must front on Peoria in order to expand the shopping center and the proposed building will align with the Mini-Max Store which is set approximately 205' back from Peoria Avenue.

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 1217 - Automotive and Allied Activities) to operate an Oklahoma Tire and Supply Store in a CS District, subject to the plot plan submitted on the following described tract:

Beginning at a point 355.0' from the South boundary and 50' from the West boundary of the SW/4 of the SW/4 of the SW/4 of Section 7, Township 20 North, Range 13 East of the IB & M, Tulsa County, Okla.; thence North 0°-40'-19" East parallel to and 50.0' from the West boundary of said SW/4 of the SW/4 of the SW/4 a distance of 65.67'; thence due East a distance of 436.75' to a point in the East boundary of said SW/4 of the SW/4 of the SW/4, 240.28' from the Northeast corner thereof; thence South 0°-29'-31" West along the East boundary of said SW/4 of the SW/4 of the SW/4 a distance of 65.67' to a point

9881 (continued)

355.03' from the Southeast corner thereof; thence due West a distance of 65.0'; thence due South a distance of 55.33'; thence due West a distance of 166.95'; thence due North a distance of 55.33'; thence due West a distance of 205.0' to the point of beginning, containing 37,924 square feet or 0.87062 acre.

9884

Action Requested:

Variance (Section 280 - Structure Setback From Abutting Streets - Under the Provisions of Section 1630 - Minor Variances) of the setback requirements from 60' to 50' to permit the erection of a free-standing canopy in a CS District located at 2660 East 21st Street.

Presentation:

Bob Darby representing the Consumer Service Station, advised that they are proposing to remodel the station at 21st Street and the plans are to cover the gas pump islands with a 50' x 60' canopy. He advised that the required setback is 60' and they are requesting to set 50' back from the center line of 21st Street. He further stated that if the variance is granted, after the installation of the canopy they will be 1' inside their property line.

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 60' to 50' to permit the erection of a free-standing canopy subject to a customary removal contract on the following described tract:

Lots 1 and 2, Block 2, Voight Addition to the City of Tulsa, Okla.

9891

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variances) of the rear yard requirements from 20' to 16' in an RS-3 District located at 18106 East 3rd Street.

Presentation:

Grace Kelsey representing Lakewood Homes, Inc., applied for a 4' rear setback waiver to build a home. Ms. Kelsey advised that on the southeast corner of the lot there is a tree 15' from the corner and she is requesting the setback waiver so that the tree can remain. She advised that at 15' the tree would be at a distance that it would not cause damage to the tree or the house. The applicant submitted a plot plan (Exhibit "M-1") of the proposal.

Protests: None.

9891 (continued)

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 1630 - Minor Variances) of the rear yard requirements from 20' to 16' per plot plan submitted on the following described tract:

Lot 29, Block 5, Indian Hills Estates, to the County of Tulsa, Okla.

9892

Action Requested:

Variance (Section 280 - Structure Setback From Abutting Streets - Under the Provisions of Section 1630 - Minor Variances) of the setback requirements from 60' to 50' to permit the erection of a sign in a CS District located at 2600 South Memorial Drive.

Presentation:

Jim Henry representing the Oklahoma Neon Sign Company, applied for a variance in setback of 10' to erect a sign. He advised that the sign will be at the property line but will not extend into the City's right-of-way.

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 Variance) of the setback requirements from 60' to 50' to permit the erection of a sign in a CS District subject to a removal contract on the following described tract:

Lot 1, Block 1, Tri-Center Addition to the City of Tulsa, Okla.

9893

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variances) to permit building across a lot line in an RS-3 District located at 1807 and 1811 North Cheyenne Avenue.

Presentation:

The applicant was not present. The Staff advised of a plot plan submitted (Exhibit "N-1") showing the existing and proposed building.

Mr. Garnder advised that the subject property is within the floodplain area and the applicant must obtain a floodplain development permit.

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 1630 - Minor Variances) to permit building across a lot line subject to the approval from the City Engineer's Office and the City Commission for a floodplain development permit on the following described tract:

The North 50' of the South 200' of the West 166.9' of the SW/4 of the NE/4 of the SE/4 and the North 60' of the South 150' of the West 166.9' of the SW/4 of the NE/4 of the SE/4, both in Section 26, Township 20 North, Range 12 East of the Indian Base and Meridian, in Tulsa County, Oklahoma, according to the U. S. Government Survey.

Clarification:

Zoning Officer's request for a clarification of an interpretation from the Board concerning setback from abutting streets.

After a brief discussion of the matter by the Board, Mr. Gardner advised that the setback requirements are 50' from an arterial street and 25' from a non-arterial street. He added that all expressways are zoned residential and there is no direct access to a freeway. Access is to a service road if there is a service road. Mr. Gardner further informed that if the building has access to a service road it should be treated like a major street and if it did not have access to a service road it should be treated like a side yard and setback only 25'.

On MOTION of LEWIS, the Board 3-0 (Lewis, Smith and Purser "aye", Jolly and Walden "absent") voted that if there is no access to the freeway by a service road then the restriction of 25' should apply and if there is a service road the setback is 50'.

Clarification:

The Building Inspections Department wanted a clarification for mobile homes with no time limit placed on them and they now want to make an addition to the mobile home.

Board Member Lewis questioned the necessity of an applicant coming back before the Board once he has been given approval in order to make an addition.

Dean Scott, Building Inspector's Office, informed that the mobile home which was located on the property is a nonconforming use. According to the Code, the owner can not enlarge a nonconforming use. Mr. Scott further advised that he would recommend the applicant come back before the Board because the change in use is not the use the Board had intended it to be.

The Chair agreed that the applicant should come back before the Board because the use is not what the Board originally approved it to be.

Mr. Gardner, TMAPC Staff, advised that if the Board approved it, it has to be a legal use, not a nonconforming use. If the applicant is not using the home as a residence then that's another matter.

Alan Jackere, Legal Department, informed that the use would not be a nonconforming structure since the Board approved it. If an application is approved for a mobile home without a time limit, the owner has the right to add or expand the structure providing he meets the building codes.

Clarification:

Mr. Jones of the Staff advised the Board regarding Case No. 9232, that the Board approved a variance on October 7, 1976, to permit a mobile home on a five acre minimum tract for a period of five years and the applicant is now wanting to build a conventional home. He was advised by the Building Inspector that the permit by the Board did not grant a waiver of the frontage requirement (minor variance) but did approve the plot plan with a 270' frontage.

Board Action:

On MOTION of LEWIS, the Board 3-0 (Lewis, Smith and Purser "aye", Jolly and Walden "absent") moved to interpret the earlier motion to include and permit a conventional residence on the property and to waive the frontage to permit 270' of frontage.

There being no further business, the Chair declared the meeting adjourned at 5:30 p.m.

Date Approved April 6, 1978


Chairman