

BOARD OF ADJUSTMENT
MINUTES of Meeting No. 256
Thursday, March 16, 1978, 1:30 p.m.
Langenheimer Auditorium, City Hall
Tulsa Civic Center

MEMBERS PRESENT

Jolly
Lewis, (out 3:40 p.m.)
Smith, (in 1:40 p.m.)
Walden
Purser, Chairman

STAFF PRESENT

Edwards
Gardner
Jones
Dyer, Mrs.

OTHERS PRESENT

Jackere, Legal Dept.
(in 1:45 p.m.)
Miller, Mrs.
Building Inspector's
Office (in 1:38 p.m.)

The notices of said meeting were posted in the Office of the City Auditor, 9th Floor, Room 919, City Hall, Tulsa Civic Center, on March 14, 1978, at 2:40 p.m., as well as the Reception Area of the TMAPC Office, 3rd Floor, City Hall.

The Chairman called the meeting to order at 1:30 p.m. and declared a quorum present.

MINUTES:

On MOTION of JOLLY, the Board 4-0 (Jolly, Lewis, Walden and Purser "aye", Smith "absent") approved the Minutes of February 16, 1978 (No. 254).

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 requirements cannot be achieved located at 1520 South Memorial Drive.

Presentation:

Ralph Jones, 5819 East 15th Street, applied to locate an outdoor skate board tract at 1520 South Memorial Drive. Mr. Jones submitted a plan (Exhibit "A-1") of the proposal and advised that because of the increasing popularity in the sport, the children are in need of a safe place for using their skate boards. Mr. Jones advised that a recreational facility of this type would prevent the children from using the street and would be an asset and much safer because they would require the use of helmets and knee pads to reduce the danger when falling. He stated that the area will be police patrolled and this facility will remove the children from the streets and drainage ditches. He added that the facility will also serve as a place for practice. Mr. Jones also requested to modify the screening requirements where the purpose of the screening requirement cannot be achieved adding that the fencing requirements will not be needed on the lot line because of a creek, but he does plan a privacy fence along the building location at 1520 South Memorial.

The Chairman questioned the establishments on each side of the proposal. The applicant stated that on the south side, across the creek is the

rear of an apartment building, to the north is a dance studio, west is residential property 150' or 200' away from the property line and across Memorial is a strip center and business area. He advised that the parking lot will be asphalted and will accommodate 32 cars. Additional space on the south side of the building can be converted to parking if necessary. Mr. Jones added that the building will consist of 4,000 sq. ft., and will include a shop for repair of equipment, recreational center and a pizza parlor. He added that the hours of operation will be from 10:00 a.m. until 10:00 p.m., six days per week and from 12:00 noon until 10:00 p.m. on Sundays.

Mr. Gardner, TMAPC Staff, advised that the subject property is within a designated floodplain and if approved should be subject to a floodplain development permit. He also stated that the Board should be concerned with the outside lighting and speaker system and the physical layout. The building is separated from the apartment complex by the creek. This separation should be sufficient in order not to create a noise problem. He also stated that a screening fence is required, however, a portion of the tract cannot be screened because of the drainage.

The Chairman questioned if the proposal is to be built underground, and the applicant responded that one side will be below ground level and along Memorial there will be a rise in topography. He informed that the building will be a metal building, beige in color, with a dark creek bed type decorative rock with a mansford roof and the concrete for the park will be off-white or beige in color.

Board Member Lewis questioned the speaker system and lighting on the exterior of the building. Mr. Jones informed that all lighting will be directed toward the business only as the lighting will be 24' in height. There will be a 6' privacy fence on the west and there will be no outside music, but there will be a speaker system for paging purposes only.

Protests: None.

Board Member Smith informed that his company was employed by the applicant in a drainage study, therefore, he abstained from the discussion and voting.

Board Action:

On MOTION of JOLLY, the Board 4-0-1 (Jolly, Lewis, Walden and Purser "aye", Smith "abstained") approved the 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 on the south property line where the purpose of the screening requirement cannot be achieved because of the creek and approved as presented, subject to the plot plan submitted, including the fencing depicted on the plot plan, and require plantings in the area south of the building to screen the commercial activities from the apartments, on the following described tract:

The SE/4, NE/4, NE/4, SE/4, of Section 11, Township 19 North, Range 13 East, Tulsa County, Oklahoma.

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:

George Day, representing KTUL Channel 8, Television Broadcasting Studios, applied to enlarge the studio and station and advised that the operation has been in business since 1952 and since that time has not been enlarged. He advised that they are enlarging the facility in order to update it and to accommodate the station's growth as well as meet the fire code. The applicant submitted a plot plan (Exhibit "B-1") showing the proposed and existing buildings. He also submitted a plat of survey (Exhibit "B-2") of the entire 40-acre tract. Mr. Day informed that the owner is proposing to enlarge the operation and to include more office space. He advised that in order to make the enlargement, they are proposing to move the parking lot slightly south. He advised that there will be no change in the tower and they are not proposing any future development other than the television station use as shown on the plot plan.

Board Member Lewis questioned the amount of space proposed. The applicant stated that at present, they have a two-story building and are proposing a 19,000 square foot addition to the present structure. Mr. Day added that they are approximately doubling the parking spaces and building area. He also informed that they propose construction to begin within 60 to 90 days.

Mr. Gardner informed that the subject property is within District 9 of the Comprehensive Plan and is designated by the Plan as Development Sensitive. The Board should be satisfied that the applicants took the topo and tree coverage into consideration in developing their plans.

Mr. Day stated that only a small portion of the 40-acre property is to be developed. Very few trees will be removed and the development will take place on the flat lands not the steep slopes.

Protests: None.

Discussion:

The Chair asked the applicant if he would be able to build in strict accordance with the plot plan submitted and the applicant stated that the building might be smaller, but not larger. He added that there might be a need to move the building slightly one way or the other, therefore, he would like to have some flexibility but if there are any significant changes he will come back before the Board.

Board Action:

On MOTION of LEWIS, the Board 5-0 (Jolly, Lewis, Smith, Walden and Purser "aye") approved the Variance (Section 310 - Principal Uses Permitted in the Agriculture District - Under the Provisions of Section 1670) to permit the enlargement of an existing television broadcasting studio in an AG District, per plot plan submitted and as presented on the following described tract:

The E/2, NW/4, NW/4 and the W/2, NE/4, NW/4 of Section 22, Township 19 North, Range 12 East, Tulsa County, Oklahoma.

9869

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 from the house to a fence to remain in an RS-3 District located at 4562 East 38th Place.

Presentation:

Attorney Pat Carr, representing the applicant, Thomas Carnagey, who was out of town and unable to attend the hearing, advised that part of the structure has existed for several years and that the applicant only added height to the structure. Mr. Carr stated that the applicant has not received any complaints regarding the structure and asked if the Board was considering denying the application he would like to continue the matter until the applicant could appear.

Board Member Smith stated that the applicant was present at the last meeting and the Board continued the application in order that the Board Members could go out and observe the structure and he did visit the subject structure.

The Staff submitted a letter (Exhibit "C-1") opposing the structure.

Protests: None present.

Board Action:

On MOTION of SMITH, the Board 5-0 (Jolly, Lewis, Smith, Walden and Purser "aye") upheld the Appeal (Section 1650 - Appeals From the Building Inspector) of the Building Inspector to remove a building constructed on the property line; and denied a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670) to permit an existing roof to extend from the house to a fence and gave the applicant 30 days to remove the structure on the following described tract:

Lot 5, Block 2, Resubdivision of Lots 1 through 16 inclusive,
Block 2, Arrowwood Addition to the City of Tulsa, Oklahoma.

9837

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1207 - Duplex Dwellings) to erect two duplexes in an RS-3 District; and a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670) of the rear yard requirements from 20' to 10', and of the setback requirements from 85' to 65' from the center line of Riverside Drive located between 24th and 25th Streets, east of Riverside Drive

Presentation:

Mr. Jones of the BOA Staff, advised that on February 2, 1978, the Board approved application #9837 subject to the applicant's plot plan submitted and with the requirements that the applicant return to the Board with final elevations.

Mr. Weaver submitted the elevation plans (Exhibit "D-1") of the proposal which was reviewed by the Board. He stated that the exterior will be of stone and wood and will contain two dwelling units.

The Chair questioned whether the two duplexes will look alike and the applicant stated that the duplexes would be different but will resemble that of two single-family homes.

Board Member Lewis questioned the color of the duplexes and the applicant stated that they will either be green or white trimmed with avocado.

Protests: None.

Board Action:

On MOTION of SMITH, the Board 5-0 (Jolly, Lewis, Smith, Walden and Purser "aye") approved the plans submitted for the duplex building on the south lot located adjacent to 25th Street and Riverside Drive, description of the property being:

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

NEW APPLICATIONS:

Action Requested:

Exception (Section 410 - Principal Uses Permitted in the Residential Districts - Section 1209 - Duplex Dwellings) to locate a duplex in an RS-3 District; and a Variance (Section 440 (3) (c) - Special Exception Uses in Residential Districts - Requirements - Under the Provisions of Section 1670) of the frontage requirements from 75' to 72.8' located on the northeast corner of 46th Street and Waco Avenue.

Presentation:

The applicant W. C. Parmley, applied to build duplexes on the subject property. The applicant submitted a map (Exhibit "E-1") showing the proposed lots. He also requested a 25' setback and advised that each unit will consist of 950 or 1,000 square feet with a garage on each side. He added that all duplexes will front in the same direction. Mr. Sittler stated that he resides four blocks from the subject property and has lived in the area for fifty-one years. He feels that the duplexes will improve the neighborhood. They will have brick or rock veneer.

Protests:

Ed Sittler, 4607 South Waco, advised that he resides two houses to the south of the subject property and he opposes the duplexes and submitted a protest petition (Exhibit "E-2") displaying 92 signatures of homeowners in the area. He stated that the signatures represent 97% of the area.

Mr. Sittler advised that this is a busy corner because of the I-44 exit at Waco Avenue. He further added that the structure will hinder visibility. Mr. Sittler also expressed concern for the safety of the children. He submitted two photos (Exhibits "E-3 and E-4") of duplexes presently owned by the applicant and added that the structures will create an eyesore to the neighborhood. Mr. Sittler informed that all area residents have expressed that they would prefer single-family dwellings in the area.

Discussion:

Board Member Lewis stated that he was interested in the plot plan and asked Board Member Jolly if he would consider a continuance until a plot plan could be submitted.

Mr. Jolly stated that he did not feel a plot plan would be necessary because the applicant was not asking for a variance in setback requirements, unless the Board would be interested in seeing the elevation of the structures.

Chairman Purser stated that the applicant submitted a map with a building drawn on it, which could be considered as a plot plan, but she thought the Board was interested in seeing the exterior of the structure (the architectural elevation) in order to determine if it is in keeping with other homes in the area. She thought the applicant should submit his elevation plans prior to receiving a building permit.

Board Action:

On MOTION of JOLLY, the Board 5-0 (Jolly, Lewis, Smith, Walden and Purser "aye") approved the Exception (Section 410 - Principal Uses Permitted in the Residential Districts - Section 1209 - Duplex Dwellings) to locate a duplex in an RS-3 District; and a Variance (Section 440 (3) (c) - Special Exception Uses in Residential Districts - Requirements - Under the Provisions of 1670) of the frontage requirements from 75' to 72.8', subject to the applicant returning with the building plans and exterior elevations for Board review prior to a building permit being issued, on the following described tract:

Lot 10, Block 7, Hilldale Addition to the City of Tulsa, Oklahoma.

Action Requested:

Variance (Section 330 - Bulk and Area Requirements in the Agriculture District - Under the Provisions of Section 1670) of the frontage requirements from 300' to 197.80' in an AG District located at 13148 N. 91st East Ave.

Presentation:

David Moreland, RR #3, Box 337, Collinsville, Oklahoma, applied for a variance of the frontage requirement to build a single-family residence. He stated that the AG frontage requirement is 300' and his existing lot is only 197.80'.

Mr. Gardner informed that the subject property is within a "wildcat subdivision" which was developed without TMAPC, City or County Commissions approval. The City and County adopted a joint resolution to allow these subdivisions to be completed.

Protests: None.

Board Action:

On MOTION of SMITH, the Board 5-0 (Jolly, Lewis, Smith, Walden and Purser "aye") approved the Variance (Section 330 - Bulk and Area Requirements in the Agriculture District - Under the Provisions of Section 1670) of the frontage requirements from 300' to 197.80' in an AG District on the following described tract:

A tract of land situated in the NE/4 of Section 36, Township 22 North, Range 13 East, Tulsa County, State of Oklahoma, more particularly described to-wit: Beginning at a point on the West line of said NE/4; said point of beginning being South 00°-06'-46" West a distance of 1,741.20' from the NW corner of said NE/4; thence due East a distance of 690.59' to a point; thence South 00°-04'-30" West and parallel with the East line of said NE/4 a distance of 197.80' to a point; thence due West and parallel with the North line of said NE/4 a distance of 690.72' to a point on the West line of said NE/4; thence North 00°-06'-46" East along the West line of said NE/4 a distance of 197.80' to the point of beginning, according to the U. S. Government Survey thereof.

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 - Home Occupations) for a home occupation for scientific instrument repair in an RS-1 District located at 3342 East 41st Street.

Presentation:

Attorney William B. Jones, representing the applicants, Mr. and Mrs. George C. Palmer, applied to use their home for the repair of scientific instruments and related equipment. Mr. Jones advised that the subject property is a one-story, single-family residence with approximately 3,100 square feet. The house is located three homes east of 41st and Harvard and fronts on 41st Street. He advised that the house is wood with brick veneer up to the window sills and has a composition roof. Mr. Jones informed that the subdivision was platted in excess of thirty years ago and is now surrounded by nonresidential uses such as a child care center, a church and parking lot, and a Phillip 66 Service Station on the corner. Mr. Jones informed that the proposed business is similar to that of a watch or clock repair operation and will be somewhat of a hobby shop. He stated that there will be no outside employees, signs, displays or advertisements and all business will be confined to the inside of the home. The employees will be the son and daughter of the applicant's. Mr. Jones advised that there will be no loud mechanical equipment involved and no disturbance. He added that there will be only a minor change in the structure. He stated that there will be a side yard setback of 25' and the frontage of 100' with a graveled circular driveway. Mr. Jones informed that the property is fenced with a 6' stockade fence and shrubbery approximately 10' causing the home to not be visible from the street.

Board Member Lewis questioned if the son and daughter were residents of the home and Mr. Jones informed him that they are and advised that there will be four machines used and the most frequent will be a grinder machine that has a very low noise level

9882 (continued)

Board Member Smith asked Mr. Gardner if a retail sales were allowed. Mr. Gardner stated that there is no Code restriction or limitation as to whether the business is a service or sales. The Board should look at the specific proposal and determine if the location is appropriate and whether the business should be in that type structure and neighborhood. The Board should also be concerned with the number of customers traveling to and from the residence.

Protests:

The Chairman informed the applicant of a letter (Exhibit "F-1") protesting the proposal because of its violation to the Zoning Ordinance.

Board Action:

On MOTION of SMITH, the Board 5-0 (Jolly, Lewis, Smith, Walden and Purser "aye") approved the Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 - Occupations) for a home occupation of scientific instrument repair presented in an RS-1 District on the following described tract:

The East 100' of the West 200' of Lots 25 and 26, Block 1, Villa Grove Heights No. 1 Addition to the City of Tulsa, Oklahoma.

9883

Action Requested:

Variance (Section 620.2 (d) - Accessory Uses Permitted in the Office District - Business Signs - Under the Provisions of Section 1670) to permit the erection of a pole sign 26 square feet in size. (There is already one sign 30 square feet in size) in an OL District located at 5401 South Sheridan Avenue.

Presentation:

The Staff advised that the applicant has requested that the application be withdrawn.

Protests: None.

Board Action:

The Chairman informed that the applicant has chosen to withdraw the application, therefore, Case No. 9883 would not be heard.

9885

Action Requested:

Variance (Section 930 - Bulk and Area Requirements in the Industrial Districts - Under the Provisions of Section 1670) of the setback requirements from the north and east from 75' to 15' in an IL District; and an Exception (Section 250.3 (d) - Modification of the Screening Wall or Fence Requirements) on the north and east where the purpose of the screening cannot be achieved located at 7777 East 38th Street.

Presentation:

Jim Rogers, General Manager and representative of the Donrey Advertising Company, advised that they purchased the property last year and was unaware of the 75' building setback requirement from the Expressway because it is zoned residential. Mr. Rogers submitted a plot plan (Exhibit "G-1") showing the proposed 15' building line and advised that they are proposing to screen the yard and the building will face the Broken Arrow Expressway. He advised that the proposed layout will enhance that portion of the property. He advised that portion of the property is higher in elevation and a fence would not screen anything, therefore, they have proposed to place the building facing the Expressway and fence the yard with an 8' or 10' fence. Mr. Rogers stated that he was informed that the Ordinance would permit a 25' setback, but they are requesting 15' because of the shape of the lot.

Protests: None.

Board Action:

On MOTION of SMITH, the Board 5-0 (Jolly, Lewis, Smith, Walden and Purser "aye") approved the Variance (Section 930 - Bulk and Area Requirements in the Industrial Districts - Under the Provisions of Section 1670) of the setback requirements from north and east from 75' to 15' in an IL District; and an Exception (Section 250.3 (d) - Modification of the Screening Wall or Fence Requirements) on the north and east where the purpose of the screening cannot be achieved subject to the plot plan submitted and as presented, on the following described tract:

Tract "C" A tract of land, containing 45,081 square feet that is a part of the NE/4 of the SE/4 of Section 23, Township 19 North, Range 13 East in the City of Tulsa, Tulsa County, Oklahoma, said tract being described as follows to-wit: Starting at the SW corner of said NE/4 of the SE/4; thence North $0^{\circ}-02'-22''$ East along the Westerly line thereof for 30'; thence South $89^{\circ}-57'-53''$ East and parallel to the southerly line of said NE/4 of the SE/4 and along the Northerly right-of-way line of East 38th Street South for 330'; thence continuing South $89^{\circ}-57'-33''$ East along said right-of-way line for 33.16' to a point of curve; thence Easterly along a curve to the right with a radius of 330' and a central angle of $21^{\circ}-10'-00''$ and along said right-of-way line, for 121.91'; thence North $4^{\circ}-50'-34''$ East for 177.84' to the point of beginning of said 45,081 square foot tract; thence South $89^{\circ}-57'-38''$ East for 270.18' to a point on the Westerly right-of-way line of the off-ramp of the Broken Arrow Expressway; thence North $3^{\circ}-13'-49''$ West along said right-of-way line for 17.93'; thence North $4^{\circ}-58'-21''$ West for 0.00' to a point of curve; thence Northwesterly along a curve to the left with a radius of 119.84' and a central angle of $42^{\circ}-57'-59''$, and along said right-of-way line, for 89.87' to a point of tangency; thence North $47^{\circ}-56'-20''$ West along the Broken Arrow Expressway right-of-way line for 170.19' to a point of curve thereof; thence Northwesterly along a curve to the left with a radius of 2,772.63', and a central angle of $2^{\circ}-11'-23''$ and along said right-of-way line for 105.96'; thence South $4^{\circ}-50'-34''$ West for 280.78' to the point of beginning of said tract.

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1202 - Area-Wide Special Exception Uses) to construct a sewage disposal facility in an RM-1 District located at 96th Street and Delaware Avenue.

Board Member Lewis informed that his firm represented the applicant therefore he would abstain from the discussion and voting.

Presentation:

Henry Daubert, representing the applicant W. L. Dunn, applied to locate a sewage disposal facility on the subject property which will serve a 240-acre housing development south of 96th Street and Delaware Avenue. Mr. Daubert advised that a sewer treatment facility is required to develop the land. He advised that they are proposing to establish a waste water facility to dispose of the waste water. Mr. Daubert informed that the facility will be operated properly and there will be no overflow and no undesirable odor or structures. Only the control building can be seen and the plant will be covered and screened. Mr. Daubert added that the proposal will increase the value of the property in an area rather than decrease because all existing homes must be built on septic tanks. He advised that the proposed location is an ideal site for the sewage disposal plant. It has not been decided if the plans will be on the N/2 or the S/2 of the property. They did look into a site location near Vensel Creek, but they have no assurance that they can discharge into a dry creek. Mr. Daubert informed that the plant will be designed in stages and will serve other areas. He added that they are working with the City of Tulsa in constructing the disposal plant and they are anxious to locate the facility in the area.

Board Member Smith questioned the discharge and Mr. Daubert stated that they would prefer to discharge into a flowing creek bed, however, they do not have the assurance they can discharge into Vensel Creek.

The Chair asked Mr. Daubert to describe the appearance of the plant from the view of traffic and Mr. Daubert stated that all tanks will be underground or screened and only the control building will be visible.

Board Member Walden asked if there would be any odors as a result of the plant. Mr. Daubert stated that air will be added to the fluid and the mixture to increase the oxidation and if the air is properly distributed, the odor will be controlled. He informed that the solid waste will be decomposed and added that the entire operation will eventually be controlled by the Water and Sewer Department of the City of Tulsa since they will own the facility after the construction.

W. L. Dunn, 3910 East 51st Street, advised that he owned property on the east side of Delaware and stated that the property value will not decrease if the sewage plant is allowed. Mr. Dunn advised that he is a developer living in the area and does feel the property value will be increased because at present, the area is being operated on septic tanks. Mr. Dunn stated that he has made an evaluation of the use of septic tank and was informed that one must have one-half acre of property and must

have the City Water service in order to construct a septic tank. He also informed that the proposal will enhance the value of the property since you can build more homes per acre on sewer than on septic. Mr. Dunn stated that the property is not as valuable now as the homeowners feel because of the septic tanks. He advised that the plant will accommodate approximately 200 acres and will increase the value of the property.

Protests:

Roy Branstetter advised that his home is located at 9700 South Delaware and he, along with other residents, are protesting the sewage disposal plant and submitted a protest petition (Exhibit "H-1"). Mr. Branstetter informed that he selected his property to build his home. He advised that they are living in a respectable neighborhood and would like to remain. Mr. Branstetter stated that he was informed that the plant would be north and west of 95th Street, but the subject property is south and west on 95th Street. He is opposing the facility because it would lower the value on their home more than 60% and the property is not suitable for what is proposed.

Mrs. Henninger, 2459 East 57th Street, advised that she owns three cars to the south of the subject property and feels the sewage plant will adversely affect her property. She further informed that the subject property is a narrow strip of land and a beautiful view and asked the Board to deny the application.

Mr. Sam Allton, 9800 South Delaware, owns his home and feels the proposal would lower the value of his property. He added that he has spent a great amount of money on his property and a sewage facility will be bad for his eight acres south of the Henninger's property. He added the sewage plant facility will greatly lower the values of the homes and most of the owners have their life savings in their property.

Board Action:

On MOTION of JOLLY, the Board 4-0-1 (Jolly, Smith, Walden and Purser "aye", Lewis, "abstained") approved the Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1202 - Area-Wide Special Exception Uses) to construct a sewage disposal facility in an RM-1 District as presented on the following described tract:

All that part of Lot 5, Section 20, Township 18 North, Range 13 East of the Indian Base and Meridian, Tulsa County, Oklahoma, according to the Official U. S. Government Survey thereof, more particularly described as follows to-wit:

Commencing at the southeast corner of said Lot 5; thence North 0°-00'-00" East along the east boundary of said Lot 5 a distance of 100.00'; thence South 89°-48'-03" West parallel to and 100.00' North of the South boundary of said Lot 5 a distance of 447.03' to the point of beginning; thence South 89°-48'-03" West parallel to and 100.00' North of the South boundary of said Lot 5 a distance of 220.00'; thence North 9°-31'-23" West along the East bank of the Arkansas River a distance of 800.32'; thence North 89°-45'-44" East

9886 (continued)

parallel to and 430.27' South of the North boundary of said Lot 5 a distance of 340.00' to a point 459.44' from the East boundary of said Lot 5; thence South 0°-54'-00" East a distance of 790.03' to the point of beginning; containing 221,169 square feet or 5.07734 acres.

9887

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 (6) - Mobile Homes) to locate a mobile home in an RS-1 District located at 6515 East 24th Street.

Presentation:

Audra E. Wallin, 6515 East 24th Street, applied to locate a mobile home on the rear portion of her lot to be used by her daughter and granddaughter. Mrs. Wallin informed the Board of a mobile home in the 7500 block on East 24th Street and one approximately 2 1/2 blocks from her home. The applicant advised that she has two lots, each 155' wide. Mrs. Wallin informed that the mobile home will be located only on a temporary basis and her neighbors have given their approval.

Board Member Jolly questioned the applicant's length of time and Mrs. Wallin said approximately one year and after that time she does not plan to return to the Board to apply for an extension.

Protests: None.

Board Action:

On MOTION of SMITH, the Board 4-0 (Jolly, Smith, Walden and Purser "aye", Lewis "absent") approved the Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 (6) - Mobile Homes) to locate a mobile home in an RS-1 District for a period of one year with a removal bond required, on the following described tract:

A strip of land running parallel and adjacent to the North line of Lot 3, in Block 1, JoHansen Acres, Amended, Addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof, described as follows: Beginning at the NW corner of said Lot 3; thence North 30' to a point; thence East 155.25' to a point; thence South 30' to a point; thence West 155.25' to the place of beginning, ALL in Section 14, Township 19 North, Range 13 East, of the IBM, according to the Government Survey thereof.

9888

Action Requested:

Exception (Section 1680.1 (g) - Special Exceptions) to establish off-street parking for employees in conjunction with the Peoples State Bank in an RM-2 District located north and east of 4th Place and Lewis Ave.

Presentation:

Janine VanValkenburgh, 525 South Main Street, representing the applicants, Mr. and Mrs. Clyde Walker, applied to use the subject property for off-street parking for bank employees. Mrs. VanValkenburgh

advised that the applicants purchased the property to be used for parking for the employees at the People State Bank which has been opened now for approximately two months. Mrs. VanValkenburgh submitted a map (Exhibit "I-1") showing the proposed and existing parking. She also submitted a rendering (Exhibit "I-2") showing the Bank and its surroundings and stated that to the east and south of the subject property is RM-2 zoning which is used for two-story apartment buildings. To the west is two older frame homes and a parking lot for extra parking. She further informed that to the north is a car wash and east of the car wash is another lot owned by the applicants and they are proposing it for overflow employee parking. Mrs. VanValkenburgh advised that they are proposing parking to accommodate fifty cars and they do plan a screening fence around that portion of the parking that adjoins the residential area. She informed the Board of a two-story apartment which has a parking lot to the east of the subject property and asked if the screening requirements could be waived. Mrs. VanValkenburgh also informed of trees on the property line that will remain and added that the exception is being requested because the subject property adjoins CS on the west.

Mr. Gardner informed that the screening requirement that Mrs. VanValkenburgh is requesting a waiver of, has not been advertised, therefore the Board can not take action on it, but suggested that the Board consider the off-street parking request today and continue the application to allow the applicant to advertise for waiver of the screening on the north and east.

The Chairman asked Mrs. VanValkenburgh if the applicants would agree to omit access to 4th Place and use the opposite entrance. Mr. Walker then stated that he would prefer that the 4th Place entrance remain open for security purposes. Mrs. VanValkenburgh then asked the Board if they would consider allowing the access to remain and they would install a chain to prevent traffic from using the access after banking hours.

Mrs. VanValkenburgh briefly consulted with Mr. Walker and informed the Board that the applicants had decided to disregard the readvertisement for the waiver of the screening requirements on the east property line.

Protests: None.

Board Action:

On MOTION of JOLLY, the Board 4-0 (Jolly, Smith, Walden and Purser "aye", Lewis "absent") approved the Exception (Section 1680.1 (g) - Special Exceptions) to establish off-street parking for employees in conjunction with the Peoples State Bank, subject to installation of speed bumps on the north overflow parking lot property and on the south parking lot property and that a chain be used after banking hours to prohibit traffic access to 4th Place, on the following described tract:

Lots 15, 16, 17, 18, 19, 20, 21 and 22, Block 2, College View Addition to the City of Tulsa, Oklahoma.

Action Requested:

Variance (Section 420.2 (a) - Accessory Uses In Residential Districts - Under the Provisions of Section 1670) to permit the erection of an accessory building (garage) on a vacant lot in an RS-3 District located at 111 North 36th West Avenue.

Presentation:

The applicant, J. E. Hines, 111 North 36th West Avenue, applied to build a garage to the east of his home. Mr. Hines advised that at present he is parking his car on the street because his driveway is too muddy. The applicant submitted a plot plan (Exhibit "J-1") of the proposed garage.

Mr. Jolly informed the applicant that the Board would require a tie contract of the two pieces of property that would be tied together which would prevent the property from being sold separately. Mr. Hines then stated that he would agree to a tie contract because he has no plans to sell the property and does plan to reside there permanently.

Mr. Gardner informed that the Board should be concerned that the building would not be used for a business of any kind.

Mrs. Miller, Building Inspector's Office, informed the Board of a discrepancy in the size of the proposed garage. She noted that the applicant was requesting 24' x 31' and the plot plan gave the dimensions as 26' x 32', but the applicant informed that the correct dimensions are 26' x 32'.

Protests: None.

Board Action:

On MOTION of SMITH, the Board 4-0 (Jolly, Smith, Walden and Purser "aye", Lewis "absent") approved the Variance (Section 420.2 (a) - Accessory Uses in Residential Districts - Under the Provisions of Section 1670) to permit the erection of an accessory building (garage) on a vacant lot with the stipulations that no business will be allowed, and a tie contract be required to tie the two lots together, subject to the plot plan submitted on the following described tract:

Lots 9 and 10, Block 1, Burlingame Addition to the City of Tulsa, Oklahoma.

Action Requested:

Variance (Section 1330 - Setbacks - Off-Street Parking - Under the Provisions of Section 1670) to permit parking to extend to the front property line in an RM-2 District, located SE of 66th East Avenue and 69th Street.

Presentation:

Attorney Charles Norman, representing the Lincoln Properties, Inc., applied for a variance to permit parking to extend to the front property line. He advised that the property is 175' in depth and the additional 10 feet is needed for development. Mr. Norman submitted a site plan (Exhibit "K-1") showing the entire proposal, including the parking, and advised that the Code requires that the parking lot

be set back 10', but if the Board does not approve the parking lot to be located up to the front property line, this would force them to reduce the livability space. Mr. Norman also submitted 12 photos (Exhibits "K-2 through 13") showing commercial establishments across from the front portion of the property. There is no real significance in the need for a 10' setback on the subject property. Mr. Norman informed the Board that he failed to request an exception to permit more than 40 dwelling units on one lot, but wished to make that amendment to the application. He added that it is a minor variance and does not require advertisement. They are proposing to construct more than 40 multifamily units on the property which is permitted by the RM-2 zoning and they do not want to lot-split the property into several lots in order to build the permitted number of units.

Mr. Gardner stated that the additional 10' is to add greenery and setback. The parking will be set back from the curb and the street is between the applicant and the commercial buildings.

Protests: None.

Board Action:

On MOTION of JOLLY, the Board 4-0 (Jolly, Smith, Walden and Purser "aye", Lewis "absent") approved the Variance (Section 1330 - Setbacks -- Off-Street Parking - Under the Provisions of Section 1670) to permit the parking to extend to the front property line; and a Variance (Section 206) to construct more than 40 units on one lot on the following described tract:

Block 3, Plaza Village 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 accessory building; and a Variance (Section 410 - Principal Uses Permitted in Residential Districts - Under the Provisions of Section 1630 - Minor Variance) to permit an accessory building on a vacant lot in an RS-3 District located at 7 North 48th West Avenue.

Presentation:

The applicant, Albert J. Chism, 7 North 48th West Avenue, applied to operate a beauty shop on the subject property. Mr. Chism submitted a rendering (Exhibit "L-1") showing the proposal and advised that the building is 12' x 24', wood siding and resembles a small house. He informed that the surrounding area to the south is a vacant field, east and west are homes.

The Chairman questioned if there is a garage to the existing home and the applicant stated that there is not a garage at present. He informed that his home is on a separate lot from the proposed accessory building which will be used as a beauty shop. He also added that his wife will work in the shop alone and there will be no signs, but there will be parking to accommodate three cars. He stated that the parking is on that portion of the lot with the beauty shop and will be completely off the street.

9894 (continued)

Mr. Jolly expressed concern that the building would not be converted into a business facility and asked the applicant if he could return to the Board with some type of drawing in order that the Board might be able to see what the proposed building is like, and the applicant stated that he would. Mr. Jolly also informed the applicant of a tie contract that would be required if the application is approved. The applicant stated that he had no objections to the tie contract because he has no intentions of selling the property separately from the house.

Protests: None.

Discussion:

Mr. Jolly added that he was concerned that the type structure the applicant is proposing will fit in with the residential neighborhood.

Board Action:

On MOTION of JOLLY, the Board 4-0 (Jolly, Smith, Walden and Purser "aye", Lewis "absent") approved the Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 (2) - Home Occupations) to operate a home beauty shop in an accessory building; and a Variance (Section 410 - Principal Uses Permitted in Residential Districts - Under the Provisions of Section 1630) - Minor Variances) to permit an accessory building on a vacant lot, subject to the applicant returning with a drawing of the building, in order that the Board may see the architecture and subject to a tie contract on the following described tract:

Lot 103, Block "J", Vern Heights Addition to the City of Tulsa, Oklahoma.

9895

Action Requested:

Variance (Section 620.2 (d) 1 - Special Exception Uses in Office Districts - Requirements - Under the Provisions of Section 1670) of the sign requirements from 32 square feet to 64 square feet in an OM District located SE of 4th Place and Lewis Avenue.

Presentation:

Dave Ward owner of the Ward Sign Company, advised that he has erected a 64 square foot sign and was unaware that the zoning was changed from CS to OM, which now permits only a 32 square foot sign on each street frontage. Mr. Ward submitted a rendering (Exhibit "M-1") and advised that the sign is located in the center of the 300' frontage between 4th and 5th Streets on South Lewis Avenue. Mr. Ward informed that the sign has a wood background, 16' in height, interior lighting with 10" plastic letters of "Peoples State Bank" with a display surface square footage of 8' x 8'. He informed that there are no other signs on 4th Place.

Protests: None.

9895 (continued)

Board Action:

On MOTION of SMITH, the Board 4-0 (Jolly, Smith, Walden and Purser "aye", Lewis "absent") approved the Variance (Section 620.2 (d) 1 - Special Exception Uses in Office Districts - Requirements - Under the Provisions of Section 1670) of the sign requirements from 32 square feet to 64 square feet, subject to no other free-standing signs being erected on the following described tract:

Lot 1, Block 1, Peoples State Bank Addition to the City of Tulsa, Oklahoma.

9896

Action Requested:

Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1217 - Automotive and Allied Activities) to operate a car rental service in a CS District located at 6131 East 21st Street.

Presentation:

The applicant, Mike Fine, applied to operate a car rental service at the subject location which was originally a fast food chain restaurant. Mr. Fine informed that he felt that the proposed business would cause less traffic than the previous business. He added that the surrounding businesses are all commercial. Mr. Fine advised that at present he has 15 cars but is proposing to increase that number to fifty. He stated that the lot has a 175' frontage and a depth of 150' and does have enough space to accommodate seventy cars.

Protests: None.

Board Action:

On MOTION of WALDEN, the Board 4-0 (Jolly, Smith, Walden and Purser "aye", Lewis "absent") approved the Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1217 - Automotive and Allied Activities) to operate a car rental service as presented on the following described tract:

Beginning at the SE corner of the SW/4 of the SE/4 of Section 10, Township 19 North, Range 13 East; thence West a distance of 180' to a point; thence North a distance of 50' to the point of beginning; thence North parallel to the East line of Section 10, a distance of 150'; thence South a distance of 25'; thence West a distance of 25'; thence South a distance of 125'; thence East a distance of 175' to the point of beginning all in the SW/4, SE/4, SE/4 of said Section 10.

9901

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variance) of the frontage requirements from 100' to 70' to permit a lot-split in an RS-1 District located at 3035 East 49th Street.

Presentation:

The Chairman informed that the applicant had requested a continuance on application #9901 until April 6, 1978.

3.16.78:256(17)

9901 (continued)

Protests: None.

Board Action:

On MOTION of SMITH, the Board 4-0 (Jolly, Smith, Walden and Purser "aye", Lewis "absent") continued application #9901 until April 6, 1978, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

OTHER BUSINESS:

9613

The Staff advised that the Board previously approved a Private Indoor Racquet Ball Club subject to the replatting of the property, one sign no larger than 4' x 8' with no direct lighting, install a landscape berm along Harvard a maximum of 3' high above existing curb level, install screening fence on the east property line and on the south property line, low type lighting, hours of operation from 6:00 a.m. until 10:00 p.m., building shall have a flat roof, and subject to the submitting of the final plans to the Board for acceptance prior to issuance of a building permit.

Mr. Jones informed that the applicants were present with the plan (Exhibit "N-1") in order that the Board could see and review the plan. After study and review of the plan, the Board concluded that the applicant had met the required conditions and accepted the plans.

There being no further business, the Chair declared the meeting adjourned at 5:00 p.m.

Date of Approval

May 4, 1978

Harry J. Purser
Chairman