

BOARD OF ADJUSTMENT  
MINUTES of Meeting No. 257  
Thursday, April 6, 1978, 1:30 p.m.  
Langenheim Auditorium, City Hall  
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Lewis (in 1:35 p.m.) Smith Purser, Chairman	Jolly Walden	Edwards Gardner Jones Dyer, Mrs.	Jackere, Legal Department Miller, Mrs. Building Inspec- tor's Office

The notices of said meeting were posted in the Office of the City Auditor, 9th Floor, Room 919, City Hall, Tulsa Civic Center, on April 5, 1978, 9:00 a.m., as well as in the Reception Area of the TMAPC Office, 3rd Floor, City Hall.

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

RESOLUTION OF APPRECIATION TO DR. E. T. GUERRERO:

The Chairman acknowledged Dr. Guerrero's 4 years of service on the Tulsa Board of Adjustment, one year of which he served as Chairman. She then presented him with a Resolution of appreciation on behalf of the Board for his service and time given.

Dr. Guerrero accepted the Resolution and added that it meant a lot to him, as did his opportunity to have served on the Board. He stated that he found the Board to be very interesting and challenging. The Resolution is as follows:

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

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

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

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

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

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

MINUTES:

On MOTION of SMITH, the Board 3-0 (Lewis, Smith and Purser "aye", Jolly and Walden "absent") approved the Minutes of March 2, 1978 (No. 255).

UNFINISHED BUSINESS:

9901

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variances) of the frontage requirements from 100' to 70' to permit a lot-split in an RS-1 District; and a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670) of yard requirements abutting a street to allow a 10' yard located at 3035 East 49th Street.

Presentation:

The applicant was not present. The Staff informed that the applicant had requested that the application be withdrawn.

Protests: Two present.

Board Action:

The Chair informed those protestants present that the applicant has chosen to withdraw the application, therefore, Case #9901 would not be heard.

NEW APPLICATIONS:

9897

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 (6) - Mobile Homes) to locate a mobile home in an RM-1 District located at 2209 North Canton Avenue.

Presentation:

Opal Morris, 7143 East Young Street, requested to locate a mobile home at 2209 North Canton Avenue. Mrs. Morris informed that at present she is living with her son and the mobile home would enable her to have her own place of residence. She added that the subject property is two lots and informed the Board of other mobile homes in the area.

The Chair asked the applicant how many other mobile homes were in her area and she stated approximately four.

Mr. Gardner, TMAPC Staff, advised that the subject property is in a designated floodplain area and the applicant should be aware of this fact, and recommended that the Board's action should be subject to the review by the City Hydrologist.

Protests: None.

9897 (continued)

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 locate a mobile home in an RM-1 District for a period of one year with a removal bond required and subject to the approval of the City Hydrologist and the City Engineer on the following described tract:

Lot 17, Block 5, Industrial Addition to the City of Tulsa, Okla.

9898

Action Requested:

Exception (Section 610 - Principal Uses Permitted in the Office District - Section 640 (8) - Special Exception Uses in the Office Districts - Barber and Beauty Shops) to operate a barber shop in an OM District located at 5416 South Yale Avenue.

Presentation:

The applicant, Jeffrey Steinke, applied to operate a barber shop at the subject location which is located within an office structure. Mr. Steinke informed that prior to the opening of the barber shop the location was used as a beauty shop and he had assumed an exception had been granted to allow the beauty shop which is the same type use as the barber shop. He informed that the shop is a two-chair operation, customers are taken by appointment, therefore, there will never be more than four individuals there at one time. Mr. Steinke further added that he contacted the Frates Company, owner of the building and they have no objections and neither do the other occupants, therefore, he asked that the Special Exception Use be granted.

Board Member Smith questioned if there were signs, and the applicant stated that he does not have an outside sign, but there is one sign on the glass wall inside the building which cannot be seen from the outside of the building.

The Chair informed the applicant of the restriction of signs and the applicant stated that he does not have any objections and there will be no exterior sign.

Board Action:

On MOTION of LEWIS, the Board 3-0 (Lewis, Smith and Purser "aye", Jolly and Walden "absent") approved the Exception (Section 610 - Principal Uses Permitted in the Office District - Section 640 (8) - Special Exception Uses in the Office Districts - Barber and Beauty Shops) to operate a barber shop in an OM District with the stipulations of no exterior signs and as presented on the following described tract:

Lot 1, Block 2, LaFortune Park Plaza 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 from 25' to 20' on the west in an IL District located on the NE corner of 100th East Avenue and 47th Street.

Presentation:

E. E. Hamilton applied for a variance in setback to construct a 30' x 100' building. Mr. Hamilton added that the 30' minimum width building is preferred. If the variance is not approved the building will be too narrow to use. He informed that he is a sheet metal contractor and will use the building for dry storage. The applicant submitted a rendering (Exhibit "A-1") showing the proposed building and its location on the subject property.

Board Member Smith questioned the method of transporting and delivering materials to the shop and the applicant stated that he delivers the metal in his personal pickup truck. He added that his business does not require a tractor trailer for deliveries.

The Chairman questioned the surroundings, which the applicant stated were all vacant.

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 from 25' to 20' on the west in an IL District as presented on the following described tract:

Lots 13 and 14, Block 12, Alsuma Addition to the City of Tulsa, Oklahoma.

Action Requested:

Variance (Section 410 - Principal Uses Permitted in Residential Districts - Under the Provisions of Section 1670) to permit the storage of air-conditioners on two vacant lots in an RS-3 District located at 2030 North Lewis Place.

Presentation:

Howard Young, 9504 East Newton Place, applied to store air-conditioners on the lot at 2030 North Lewis Place. Mr. Young informed that at present he does have air-conditioners stored there and he has been using the lots for storage nearly four years, but he has been asked to move them. Mr. Young submitted a letter of support (Exhibit "B-1") from an area resident expressing no objection to the storage of air-conditioners. He further added that he has talked with the area residents and they do not object if the lot is kept clean and the air-conditioners are neatly stacked.

The Chair questioned the type of air-conditioners stored. The applicant stated that the units are window units. He added that he has been in business twelve years and used to keep the air-conditioners at his home

whereas he also received complaints and has since purchased the two subject lots for the purpose of storing air-conditioners. Mr. Young stated that that he is unable to purchase a commercial lot. He added that he repairs and sells them and he is unable to continue buying property and relocating his business.

Protests:

Mrs. Goldie Ellis, 2127 North Lewis Place, stated that the subject property is two lots that the applicant uses for storage and they are protesting the proposed use there and submitted a protest petition (Exhibit "B-2") with 27 signatures. She also submitted seven photos (Exhibit "B-3") of the neighborhood and of the subject property and the existing storage. Mrs. Ellis expressed fear that the storage will create rodents and also felt it would possibly be a hazard to the children walking past going to school.

Roy Heller informed that he resided in the area for twenty-nine years before relocating elsewhere in the City. He has rental property in the area. He added that he has kept his property up and in good condition and is protesting the proposal because he finds it difficult to rent property in the area with this type business in the neighborhood.

Mrs. Pazola advised that she owns rental property also and she too finds it hard to rent property with this type establishment in the area. She added that she owns three houses and at present is protesting a junk yard because no one will rent property in this type neighborhood after driving around and seeing the junk.

The Chair questioned Mrs. Miller, Building Inspector's Office, and she stated that her office did not receive any complaints.

Mr. Gardner, TMAPC Staff, advised that the subject property is zoned residential and is vacant. The lots back up to Lewis which is zoned Commercial and to the east, west and south is RS-3 residential. The proposed use would require commercial zoning and therefore represents a principal use variance and a hardship ruling is required to permit such use.

The Chair informed Mr. Young of two pieces of correspondence (Exhibits "B-4 and B-5") opposing the proposal.

The Chair also informed the applicant that he was using the property for use other than for residential and he must present a hardship in order to remain there. The applicant stated that his hardship is that he has no place other than the subject property to store the air-conditioners and the subject property was purchased for that purpose.

Board Action:

On MOTION of LEWIS, the Board 3-0 (Lewis, Smith and Purser "aye", Jolly and Walden "absent") denied the Variance (Section 410 - Principal Uses Permitted in Residential Districts - Under the Provisions of Section 1670) to permit the storage of air-conditioners on two vacant lots on the following described tract:

Lots 302 and 303, Block 25, Tulsa Heights Addition to the City of Tulsa, Oklahoma.

9902

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 frontage requirements from 75' to 70' on one tract; and request for a variance of the 9,000 square foot minimum for a duplex; 8,000 square feet on one tract and 7,000 square feet on the other; and a variance of the rear yard from 20' to 12', and a variance of the setback on a corner from 25' to 20' located on the SW corner of 27th Street and Louisville Avenue.

Presentation:

Jim Sharp representing the applicant J. D. Spitzer, requested to make a change in the application adding that it would require republication of the notices, therefore, asked for a continuance until April 20, 1978.

Board Member Smith question if the notices were illegal. Mr. Sharp stated that the notices were not illegal, but there was a need to modify the request which would result in a republication.

Protests: None.

Board Action:

On MOTION of LEWIS, the Board 3-0 (Lewis, Smith and Purser "aye", Jolly and Walden "absent") continued application #9902 until Thursday, April 20, 1978, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

9903

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670) of the setback requirements from 85' to 80' from the center line of 61st Street in an RD District located NE of 89th East Avenue and 61st Street.

Presentation:

Jack Morse, 7130 South Indianapolis Avenue, advised that the subject property is in the process of completing the platting and does have a builder to develop the duplexes. He added that Lots 1, 5 and 6 have setbacks of 85' and they are requesting the 5' variance in order that all entrances would face the cul-de-sac. The applicant submitted a sketch plat (Exhibit "C-1") and advised that he does have a 65' frontage that he is prepared to live with.

Mr. Gardner, TMAPC Staff, informed that RD zoning is shown on the application but the zoning has not been heard by the Planning Commission. The zoning is scheduled to be heard at the meeting of April 12. The variance proposed would be required for either single-family or duplexes and therefore the Board action would not prejudice the existing zoning.

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 4.6.78:257(6))

9903 (continued)

1670) of the setback requirements from 85' to 80' from the center line of 61st Street per sketch plat submitted on the following described tract:

Lots 1, 5 and 6, DeJarnette Plaza Addition to the City of Tulsa, Oklahoma.

9904

Action Requested:

Variance (Section 930 - Bulk and Area Requirements in the Industrial Districts - Under the Provisions of Section 1670) of the setback requirements from an R District to permit building on the property line; and an Exception (Section 250.3 (a) of the screening requirements where existing physical features provide visual separation of uses in an IL District located at 22nd Place and Rosedale Avenue.

Presentation:

Jerry Palmer, representing the applicant Robert W. Fisher, 2216 South Rosedale Avenue, applied for a variance in setback to permit an extension to an existing building. The Chair questioned the amount of setback requested. Mr. Palmer submitted a site plan (Exhibit "D-1") of the proposal and advised that they are requesting a waiver of the 75' setback from the expressway. Mr. Palmer also submitted photos (Exhibit "D-2") of the existing building and added that there is already a chain link fence in existence along the expressway. He further stated that the building will be a solid building along the expressway and the screening fence would serve no purpose.

Mr. Gardner informed that the expressway is zoned in a residential classification and the applicant is requesting to use the portion of the property next to the expressway. Mr. Gardner further stated that the building is already there and the solid walls will provide screening. The expressway is elevated and the screening fence will not serve any real purpose.

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 Residential Districts - Under the Provisions of Section 1670) of the setback requirements from an R District to permit building on the property line; and an Exception (Section 250.3 (d) to remove the screening requirement where the purpose of the screening requirement cannot be achieved, on the following described tract:

A part of Lot 1, Block 7, Clinton Addition and a part of Rosedale Avenue to-wit: Beginning at the NW corner of said Lot 1; thence East along the north line of said Lot 7 extended to the NW corner of Lot 6, Block 8 of said Clinton Addition a distance of 110'; thence south along the west line of said Lot 6, Block 8, to a point on the Red Fork Expressway right-of-way; thence northwesterly along the Red Fork Expressway right-of-way to its intersection with the west line of the said Lot 1 to the NW corner thereof and point of beginning. All in Clinton Addition to the City of Tulsa, Tulsa Co., Oklahoma, according to the duly recorded plat thereof. 4.6.78:257(7)

9905

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1207 - Duplex Dwellings) to erect a duplex in an RS-3 District located at 1223 East 33rd Street, AND

9921

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1207 - Duplex Dwelling) to erect two duplexes in an RS-3 District; and a Variance (Section 440.3 (2) - Special Exception Uses in Residential Districts, Requirements - Under the Provisions of Section 1670) of the 9,000 square feet for a duplex to 7,200 square feet located at 1218 East 33rd Street.

Presentation:

The applicant Floyd Roberts, 8011 South Toledo, was represented by Garland Looper in both cases, Numbers 9905 and 9921. Mr. Looper stated that in reference to Case No. 9905 they are requesting to erect a duplex in an RS-3 District and directly across the street, Case No. 9921 they are requesting to erect two duplexes in an RS-3 District. He advised that the address for the one duplex they are proposing is 1223 East 33rd Street. The subject lot is vacant and to the west of the subject lot is a new duplex that is not finished. He was requesting approval to construct a quality duplex. He stated that approval of the two duplexes to the south will require a variance of 1800 square feet of land area.

The applicant, Mr. Roberts, advised that when he purchased the first lot, they brought in the sewer. He further added that the new duplex has been appraised at \$70,000 and they have obtained a loan for that amount.

Board Member Smith informed that the subject lots are close to a drainage channel. Mr. Gardner stated that if the application is approved by the Board, it would require the approval of a floodplain development permit. Mr. Looper then informed that he was given a floodplain development permit on the other duplex he built previously.

Mr. Gardner informed that the south side of the creek is much higher than the land on the north side and advised that 33rd is a dirt street. Mr. Looper then stated that he had discussed the situation with the City of Tulsa and they informed him that they are planning to blacktop the road after he finishes the new construction in the area.

Protests:

Louise Potter, 1214 East 33rd Street, advised that she had resided at her location for forty years and owns four houses in the immediate area. Mrs. Potter submitted 16 photos (Exhibit "E-1") of those houses as well as the lot on which the proposed duplexes will be built. She stated that the applicant is proposing to build two duplexes on the south lot which she felt would present an over building problem and is therefore, protesting. Mrs. Potter added that she is protesting the architecture as well as other problems the structures will present. She stated that the street is a "dead-end" street and the duplexes will over crowd and therefore deteriorate her property. Mrs. Potter informed that when the previous duplex was built, none of the area residents received notices.

4.6.78:257(8)

9905 and 9921 (continued)

Mr. Jones of the BOA Staff, informed the Board that notices were mailed to those area residents whose names and addresses appeared on the "mailing list" given him by the applicant.

Marie Arkeketa, 1215 East 33rd Street, advised that she has owned her property for nine years and was never sent a notice of the hearings, however, advised that she does protest the proposed duplexes. She informed the Board that at present there is a two-story structure that has not been completed and is located extremely close to her property and is very unbecoming to the neighborhood. She further added that the project has damaged her property immensely and she has taken the matter to court. She is protesting the approval of any other duplexes to be erected in the area. She further stated that she has attempted to speak with the applicant regarding the project, but he refused to speak with her regarding the matter.

The Chair informed the applicant of a correspondence (Exhibit "E-2") protesting the application of the duplexes at both subject locations.

Mrs. Miller, Building Inspector's Office, stated that she could not find a copy of the building permit for the existing duplex and therefore, could not answer the Board's questions.

Board Member Lewis questioned what the duplex on the subject property would look like and Mr. Roberts replied that all the duplexes would be similar to the one under construction. Board Member Smith asked the applicant if he had submitted a plot plan and elevation to the Board on the first duplex under construction. He replied that he did at the time of seeking a building permit which was given to the Building Inspector.

Mr. Gardner suggested that the Board continue applications #9905 and #9921 in order that the Board could have an opportunity to go out and observe the property and its conditions, and the Staff will try to determine why all property owners within 300' of the subject property did not receive proper notice of the hearing.

Board Member Lewis questioned the necessity for a continuance and why the application being presented today could not be acted on. Mr. Gardner then informed that the Staff could not answer the Board's questions about elevations of the previous duplex and why notice was not given for the duplex under construction.

Discussion:

Mr. Roberts stated that he had obtained a building permit and was required at that time to provide a plot plan to meet the conditions of the Code, therefore, he questioned why he should be required to bring the plans to the Board, when he felt the Board's Staff could provide the plans. The Chair informed that those plans were never presented to the Board for their review prior to issuance of the building permit. Mr. Roberts asked if the requirements on the duplexes were to submit the elevations or just the plot plans to the Board. Mr. Smith replied that the elevation plans were requested so the Board could see what the duplex would look like.

Board Action:

On MOTION of SMITH, the Board 3-0 (Lewis, Smith and Purser "aye", Jolly and Walden "absent") continued applications #9905 and #9921 until Thursday, April 20, 1978, 1:30 p.m., Langenheimer Auditorium, City Hall, Tulsa Civic Center.  
4.6.78:257(9)

Action Requested:

Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1209 - Mobile Homes) to locate a mobile home in an AG District located NE of 86th Street North and Memorial Drive.

Presentation:

The applicant Karen L. Nevener, was represented by her husband C. Nevener, who applied to locate a mobile home on the subject property. Mr. Nevener advised that the mobile home will be 800' east of Memorial Drive and 800' north of 86th Street North. He added that the area is surrounded with homes and mobile homes, with two mobile homes being within a one half mile radius of the subject property. Mr. Gardner informed that the Owasso Planner has made a review and has no objections.

Mr. Smith asked Mr. Nevener if he was aware of the tributaries and he stated that he was, but has never been bothered by high water or flooding.

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 1209 - Mobile Homes) to locate a mobile home in an AG District for a period of five years on the following described tract:

The SW/4 of the SW/4 of Section 24, Township 21 North, Range 13 East, Tulsa County, Oklahoma.

Action Requested:

Exception (Section 710 - Principal Uses Permitted in the Commercial Districts - Section 1217 - Automotive and Allied Activities) to operate a car wash in a CS District located at 9937 East 31st Street.

Presentation:

J. David Trotter, attorney for the applicant, applied to install a car wash on the subject property. Mr. Trotter advised that the National Pride Equipment, Incorporated, is a national automatic car wash which has more than one-hundred car wash facilities and their firm operates from coast to coast. He further advised that the National Pride Equipment, Inc., has been in operation since 1960. They own, operate and build their own facilities and build these facilities to last for a long period of time and they do not franchise. Mr. Trotter informed that the car wash facilities are designed for each specific location. He stated that 31st and Mingo is a commercially developed area. Mr. Trotter further informed that 117' from the north boundary is a residential area which is north of the drainage channel. He submitted a rendering (Exhibit "F-1") showing the proposed car wash and advised that the building will be erected on leased property of Dunham and Dickison on a twenty-year term and cover the two lots in Longview Lake Addition. Mr. Trotter informed that they are required to build the type building shown in Exhibit "F-1" and the building will be separated from the residence by

a 6' stockade fence with 20' of grass on both sides. He informed that the building will be brick, with concrete driveway, and properly landscaped with 6' high shrubbery, eight bays and an underground sprinkler system. He further added that the car wash will have the proper trash containers that will be stationary to prevent them from being overturned. He stated that there will be a large dump container but he was not sure where it will be located. Mr. Trotter stated that the lighting will be direct into the facility. He also informed of the two part-time maintenance employees and two full-time employees. The full-time crew will have radio equipped vans for emergency use as well as being able to communicate with the other facilities, even out of state. The applicant submitted a plot plan (Exhibit "F-2") showing the layout of the proposal in its entirety.

Board Member Lewis questioned the hours of operation. Mr. Trotter stated that the business will be operated 24-hours and will be attended much of the time. He added that there will not be an attendant there 24-hours, but there will be a telephone there for emergencies. He advised that to the east is a pizza hut, west is a vacant lot and house.

Board Member Smith expressed concern with the colors selected for the structure and asked Mr. Trotter if those colors were permanent and if the picture is exactly as what will be built. Mr. Trotter replied that the color and style of the structure is a national trademark, therefore they are asking that the colors be allowed.

Mr. Hill informed that to change the proposal and colors would cost an enormous amount of money; however, the colors could be changed. He advised that the building is built of a magnolia white brick, designed with hedges on the side of the building that will serve as a protection to the neighbors.

Mr. Gardner informed that the shopping center has various businesses, all with different colors and different types of material. He felt the Board's concern should be the proposed layout or design and the landscaping and proper fencing.

The Chair expressed concern that the car wash is a 24-hour operation and yet will not have an attendant there at all times and questioned the use for part-time employees. Mr. Hill stated that their procedure is to hire a staff with radio equipped vans so that when the part-time staff is not available, aid or assistance can be summoned through the radio equipped vans. He further added that there will be a 24-hour telephone emergency service that will enable customers to communicate with employees in the radio equipped vans.

Interested Party:

Monty Dunham, Suburban Development Company, submitted to the Board a copy of a letter (Exhibit "F-3") of which he wrote to Charles Hardt, Chief, Hydrology Department, requesting that the special exception from the Interim Floodplain Development Control be granted. Mr. Dunham stated that they are also concerned that the proposal not detract from the area and felt that it does not, therefore, they have no objection to the proposal.

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 District - Section 1217 - Automotive and Allied Activities) to operate a car wash as presented, and in accordance with the plot plan submitted on the following described tract:

The South 250' of the West 50' of Lot 5' and the South 250' of the East 70' of Lot 4; ALL in Block 1, Longview Lake Estates Center Amended Addition to the City of Tulsa, Oklahoma.

Action Requested:

Exception (Section 710 - Principal Uses Permitted in Commercial Districts- Section 1220 - Commercial Recreation: Intensive) to operate a water slide in a CS District located south and west of 61st Street and Peoria Avenue.

Presentation:

J. Keith Kunzler, applicant, applied to operate a commercial recreational facility, a water slide, at the subject location. Mr. Kunzler informed that there is a service station at 61st and Peoria, south of the station is a Tastee Freeze and further south is the Putt Putt Golf Course. Also on the south side are duplexes, and to the west are apartments. He further advised that to the immediate west is a parking lot and the strip of land extending to 61st Street is for access. Mr. Kunzler submitted a plot plan (Exhibit "G-1") and advised that the Technical Advisory Committee has reviewed the plot plan and has no objections. He also submitted a booklet (Exhibit "G-2") of the "Wet Willy's" water slide, explaining a water slide and its operation. Mr. Kunzler advised that the hours of operation will be from 10:00 a.m. until 10:00 p.m., and will not be in use during the winter months. He further added that the maintenance will be a hill, landscaped with shrubbery with the building located at the bottom of the hill. Mr. Kunzler also informed of a 6' fence from the access on 61st Street and down the access road on the north edge of the property and continuing on the west edge and across the south side adjacent to residential zoning. He advised that there are no plans to screen fence the east side next to the commercial, but there will be a security fence erected.

Jack Orbacker, General Manager for the Wet Willy's, advised that there is a water slide located in Missouri and showed a video tape of the water slide in operation and advised that the lighting will be directed on the attraction itself and not that of the surrounding properties. He advised that a portion of the slide goes above the ground with elevations of approximately 35'. He stated that the property itself is flat and will be a built-up hill 35'. Mr. Orbacker further added that the slide will be built into the hill and will not protrude above the ground and the hill at each side of the slide will be grass covered.

Board Member Lewis questioned the speaker system and the noise level resulting from the operation and Mr. Orbacker replied that the speaker system will be used to denote "time out" periods adding that there will be approximately 20 sliders in motion at the same time. Mr. Orbacker stated that the operation has a very low noise level, the slides are made of rubber mats and there is no danger or no hazardous conditions.

The Chair questioned the management and hours of management and Mr. Orbacker replied that the business will be operated by local people and will be a franchise type operation of which 50% will be owned by the company and the other portions they will allow franchise to be purchased, but must be with a life care status. He further added that there will be approximately twelve people employed during peak hours.

Protests:

Amos Baker, Baker Management Company, advised that he does own the Madison Square Apartments and a Shopping Center north of the subject property and submitted a letter of protest (Exhibit "G-3") stating his reasons for opposing the proposal. He stated that his reasons for objecting to the proposal are because he fears it will cause a drainage problem and he fears it will create a place for vandals when not in use. Mr. Baker questioned the Staff in regards to the setback or elevation requirements, and Mr. Gardner informed that the setback requirement is 10' from an RS or RD plus 2' for every 1' of building height exceeding 15', if the abutting property is within an RS or RD District. The Ordinance doesn't speak to an artificial hill being constructed.

Board Member Lewis questioned the type and size of the sign and Mr. Orbacker stated that they are proposing 12' x 32' but will go with the requirements of the Code.

The Chair stated that she felt that size of a sign is out of character, after which Mr. Gardner suggested a 100 square foot sign limitation that the Board might use as a gauge and if for some reason the applicant is not satisfied with that dimension, he may come back to the Board for review of his proposed sign.

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 1220 - Commercial Recreation: Intensive) to operate a water slide as presented, per plot plan and subject to the sign located on the plot plan not to exceed 100 square feet, without coming back before the Board and subject to the proper fencing or screening requirements on the following described tract:

A part of Lots 1 and 2, Block 1, Zandbergen Addition to the City of Tulsa, Tulsa County, State of Oklahoma, otherwise briefly described by locational reference as a 4.495-acre tract of land situated South and West of the street intersection of South Peoria Avenue and East 61st Street South in the City of Tulsa, Oklahoma.

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) to use property for church use in an RS-3 District located at 2818 North Hartford Avenue.

Presentation:

Robert Barclay, representing the owner of the subject property as well as the properties on each side of the subject property, advised that across the street is a day care center and immediately behind on North Garrison Place is a salvage yard and the only other developed property is a house on the corner. He stated that the church will be that of the Church of God in Christ and will meet on Tuesdays, Fridays and Sundays and possibly other times. Mr. Barclay submitted eight photos (Exhibit "H-1") showing the subject location as well as its surroundings. He added that at present there is no one residing at the residence and they are proposing to use the residence as a church and if things work in their favor, they are planning to build a church and to use the lots for parking.

Board Member Smith asked Mr. Barclay if they had consulted with the Fire Marshal in reference to the proposal and he stated that they had and the primary interest of the Fire Marshal was that there be adequate exits and entrances to and from the structure.

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 use property for church use subject to the approval of the Building Inspector's Office and the Fire Marshal's Office on the following described tract:

Lots 14 through 18 inclusive, Block 8, Standard Heights Addition to the City of Tulsa, Oklahoma.

Action Requested:

Exception (Section 910 - Principal Uses Permitted in the Industrial Districts - Section 1224 - Mining and Mineral Processing) to operate a limestone quarry in an IM District located NE of 46th Street North and 129th East Avenue.

Presentation:

Doug Inhoff, representing Standard Industries, applied to operate a limestone quarry on a 70-acre tract located northeast of 46th Street North and North 129th East Avenue. Mr. Inhoff informed that less the right-of-way and the setbacks, the property is approximately 50 acres on which they are proposing to do limestone quarrying and there will be no limestone processing at this site. He advised that the subject property is surrounded by land that has been quarried or in the process of being quarried. Mr. Inhoff submitted a property survey (Exhibit "I-1") and advised that the hours of operation will be from approximately 7:00 a.m. until 5:00 p.m., Monday through Friday with three blasting times per week with 18 to 20 pound charges. Mr. Inhoff further stated that after loosened by the blast, the rock will be transported to Standard Industries rock crushing units. He also informed of the water trucks available to control dust, stating that the crusher uses a great deal of water, but they are not anticipating a problem of water retention because they are proposing to pump the extra amount of storm water to the plant. He advised that there are no immediate developments within 5,000 feet of the proposal and further added that the nearest residence is in Rogers County. 4.6.78:257(14)

9910 (continued)

Board Member Smith questioned how often the roads will be watered down and Mr. Metcalf, President of Standard Industries, stated that the roads will be watered down once each day or as often as needed. Mr. Metcalf advised that he will operate the water trucks as needed and when the weather is dryer, it will naturally be required to be watered more often.

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 910 - Principal Uses Permitted in the Industrial District - Section 1224 - Mining and Mineral Processing) to operate a limestone quarry as presented and described per submitted standards (Exhibit "I-2") on the following described tract:

SW/4, SW/4 and the W/2, SE/4, SW/4 and the SE/4, SE/4, SW/4 of Section 9, Township 20 North, Range 14 East, LESS and EXCEPT the following parcel owned and used by the State of Oklahoma for the Port of Catoosa highway right-of-way:

A strip, piece or parcel of land lying in part of the SW/4 of Section 9, T-20-N, R-14-E, in Tulsa County, Oklahoma, said parcel being more particularly described as follows: Beginning at a point on the East line of said SW/4 a distance of 226.7' North of the SE corner of said SW/4; thence Southwesterly on a curve to the right having a radius of 8,769.4' a distance of 732.8' to a point on the South line of said SW/4; thence West along said South line a distance of 1,948.1' to the SW corner of said SW/4; thence North along the West line of said SW/4 a distance of 16.5'; thence North 88°-45' East a distance of 350.0'; thence North 70°-44' East a distance of 134.5'; thence Northeasterly on a curve to the left having a radius of 8,434.4' a distance of 588.8'; thence South 89°-59' East a distance of 50.1'; thence Northeasterly on a curve to the left having a radius of 8,444.4' a distance of 1,498.1'; thence North 68°-11' East a distance of 97.5' to a point in the East line of said SW/4; thence South along said East line a distance of 346.8' to the point of beginning.

9911

Action Requested:

Variance (Section 910 - Principal Uses Permitted in the Industrial Districts - Under the Provisions of Section 1670) to make an addition to a mobile home (18' x 26') for an office in an IL District located at 1244 North Darlington Avenue.

Presentation:

Wesley McDorman, 1244 North Darlington Avenue, applied to make an addition to a mobile home to be used as an office. Mr. McDorman informed that he owns three acres of land zoned IL and in 1972 the Board granted a variance to permit two mobile homes on the north end of the subject property and two metal buildings on the south, the metal buildings were to be used for business purposes. Mr. McDorman stated that the wording of the mobile homes were that they would be used as guard accommodations,

9911 (continued)

but did not state that they could reside there, therefore, they are requesting to live there. Mr. McDorman stated that at present there is a 10' x 20' screened enclosure that will be replaced by an 18' x 20' addition for an office. He further advised that at present he is using part of the trailer for an office but does not have ample space. Mr. McDorman submitted a drawing (Exhibit "J-1") showing the existing structure and the nearby surroundings. He also submitted six photos (Exhibit "J-2") showing the mobile home and the present screened enclosure that will be replaced by the proposal.

The Chair questioned the use of the office and the applicant stated that they have people working there doing testing and cleaning for an electrical power company, also includes other workers coming in and out during intervals of the night and the office will serve as an establishment for a night watchman. He further stated that the property is 165' wide, 1,050' long. Mr. McDorman informed the Board of a mobile home park to the east and to the south of the subject property is the Rose Hill Community Church, and north is the Maxwell Recreation Center.

Interested Parties:

The Chair informed of two letters (Exhibits "J-3 and "J-4") from Rose Hill Community Church and Elmer R. Lawson, 1219 North Canton Avenue, both parties supporting the application.

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 910 - Principal Uses Permitted in the Industrial Districts - Under the Provisions of Section 1670) to make an addition to a mobile home (18' x 26') for an office, as presented on the following described tract:

The North 200' of Block 5, Yale Terrace Addition to the City of Tulsa, Oklahoma.

9912

Action Requested:

Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1209 - Mobile Homes) to locate a mobile home in an AG District located at 116th Street and 129th East Avenue.

Presentation:

Jerry Wilcutt was not present but was represented by his wife. Mrs. Wilcutt informed that her mother owns the property and the mobile home is to be used by her daughter and husband. She added that they have contacted their neighbors and they have no objection to their proposal. Mrs. Wilcutt submitted a drawing (Exhibit "K-1") showing the location of the mobile home on the property as well as the other buildings.

Board Member Smith questioned the length of time that the applicant is requesting to maintain the mobile home there and Mrs. Wilcutt stated that the property has been given to her daughter and husband, therefore they are proposing to build a home in the future.

9912 (continued)

Mr. Gardner stated that to the north of the subject tract homes are being built.

Discussion: Board Member Lewis asked the applicant if they would build within five-years and the applicant stated that she did not know.

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 Homes to locate a mobile home on the subject property for a period of five-years on the following described tract:

The N/2, NE/4, SE/4 of Section 32, Township 18 North, Range 14 East, Tulsa County, Oklahoma.

9913

Action Requested:

Variance (Section 207 - Street Frontage Required - Under the Provisions of Section 1670) of the street frontage requirements to permit the building of a residence in an AG District; and an Exception (Section 310)- Principal Uses Permitted in the Agriculture District (Section 1209 - Mobile Homes) to maintain a mobile home in an AG District; and a Variance (Section 340 - Requirements for Special Exception Uses in the Agriculture District - Under the Provisions of Section 1670) of the five-acre minimum for a mobile home in an AG District located at 4355 South 61st West Avenue.

Presentation:

The applicant, David Copeland, applied to maintain a mobile home on a 3.5-acre tract until he can build his home. Mr. Copeland informed of a road easement to get to the property and submitted a "contract for sale" (Exhibit "L-1") and advised that the private road extends west and north to 61st West Avenue. Mr. Copeland informed that his property is 200' south and 300' east of the dedicated right-of-way.

Mr. Gardner stated that the Board should be concerned with the access to the property. The applicant needs to be assured that he will always have access to his property.

Discussion: Mr. Copeland stated that he would obtain legal proof of access.

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 207 - Street Frontage Required - Under the Provisions of Section 1670) of the street frontage requirements to permit the building of a residence in an AG District; and an Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1209 - Mobile Homes) to maintain a mobile home in an AG District; and a Variance (Section 340 - Requirements for Special Exception Uses in the Agriculture District - Under the Provisions of Section 1670)

9913 (continued)

of the five-acre minimum for a mobile home for a period of three years, subject to the applicant obtaining a permanent easement to his property and that there be a copy of that instrument filed of record before a building permit is issued on the following described tract:

Plat of Survey of a tract of land situated in the SE/4, NW/4 of Section 29, Township 19 North, Range 12 East described more particularly as follows: Beginning at a point 200' South of the NE corner and on the East line of the SE/4, NW/4; thence Westerly parallel to the North line of the SE/4, NW/4 a distance of 666.33' to a point; thence Southerly parallel to the East line of the SE/4, NW/4 a distance of 100.0' to a point; thence Westerly parallel to the North line of the SE/4, NW/4 a distance of 217.67' to a point; thence Southerly parallel to the East line of the SE/4, NW/4 a distance of 100.0' to a point; thence Easterly parallel to the North line of the SE/4, NW/4, a distance of 884.0' to a point; thence Northerly along the East line of the SE/4, NW/4, a distance of 200.0' to the point of beginning.

9914

Action Requested:

Exception (Section 250.3 (a) - Modification of the Screening Wall or Fence Requirements) of the screening requirements where existing physical features provide separation of uses in a CS District located on the NE corner of 46th Street North and Peoria Avenue.

Presentation:

Attorney William B. Jones, 201 West 5th Street, Suite 400, representing the applicant, applied to modify the screening requirements adjacent to residential properties. Mr. Jones advised that the subject property contains a large mini-max supermarket on it and to the east is a church. The Zoning Code requires screening between our commercial property and the church. He requested a waiver of the screening fence. Mr. Jones also added that the original commercial building has been there for approximately 11 years and before the 1970 Zoning Ordinance was adopted which required screening for the first time.

Protests: None.

Board Action:

On MOTION of SMITH, the Board 3-0 (Lewis, Smith and Purser "aye", Jolly and Walden "absent") approved the Exception (Section 250.3 (a) to remove the screening requirement where the purpose of the screening requirement cannot be achieved on the following described tract:

The SW/4 of the SW/4 of the SW/4 of Section 7, Township 20 North, Range 13 East, Tulsa County, Oklahoma.

9915

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts- Section 1202 - Area-Wide Special Exception Uses - Governmental Services) to use an existing one-story building for offices for the Tulsa Human Service Agency located in an RM-2 District at 764 East Virgin Street.

Presentation:

Jack Shambra, representing the Community Development Department, applied to use the property as offices for the Tulsa Human Service Agency advising that the property is owned by the City of Tulsa which was formerly a day care nursery and was leased to the Tulsa Housing Authority, a federal funded agency. Mr. Shambra further added that the building will be renovated to conform with the needs of an office and the building does have adequate parking.

Mr. Gardner questioned if there will be activities other than offices conducted in the building and Mr. Shambra replied that the agency's offices are presently located within the Seminole Hills Center and they are requesting to relocate the office use only.

Board Member Smith questioned the functions of the Tulsa Human Service Agency and Mr. Homer Johnson, Director, advised that the agency is funded by the Community Service Administration and their functions are to try and find solutions to poverty. Mr. Johnson stated that they have a great number of dealings with the Health, Education and Welfare Department and Community Services.

Board Member Lewis questioned the number of employees and the traffic flow at Virgin Street and Mr. Johnson replied that there are 200 employees working for the agency, with 26 of those employees on a full-time basis. He further added that Virgin Street is a narrow street, but does have access to Hartford adding that the staff will be there from 8:00 a.m. to 5:00 p.m.

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 1202 - Area-Wide Special Exception Uses - Governmental Services) to use an existing one-story building for offices for Tulsa Human Service Agency as presented on the following described tract:

Lots 1 and 2, Block 2, Carter 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 sell automobiles and do repairs in a CS District located on the NE corner of 17th Street and Memorial Drive.

Presentation:

Tim Reeves, 4038 East 44th Place, applied to sell cars and to do automotive repair work at the subject location. Mr. Reeves stated that he has been in business for three years at the Sheridan location. He submitted a plot plan (Exhibit "M-1") and advised that he obtained the lease from a Champlain Service Station and was of the opinion it was classified as Use Unit 17. He further added that they are proposing an all steel building, 30' x 30', off-white to match the present building. The overhead doors are on the north and only the side of the building will be exposed to the public on Memorial. He advised that he does meet the building setback requirements

and his operation is a limited operation. He added that there will never be more than eight cars but he would like to have permission to keep twenty and would agree to a maximum number of cars. Mr. Reeves informed that there would be no body work, engines or transmission work done. Hours of operation will be from 8:00 a.m. until 5:00 p.m., Monday through Saturday. Exterior lighting will be that of the existing lights on the awnings and they will not be left on during the evening. He further added that the noise level will be small compared with that from the street. Mr. Reeves stated that there will be no exterior sound system and there will be no outside intercom system.

Mrs. Miller, Building Inspector's Office, advised that there has been construction started but no permit issued. She advised that there is only a concrete slab and is not sure it will pass the Code.

Board Member Smith questioned the number of cars awaiting repairs. The applicant stated that the cars remain there only for about one day. We will have approximately four cars outside awaiting repairs. The Chair asked the applicant if he would accept a restriction on the number of cars awaiting repairs on the property at any one time and the applicant stated that he would.

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 sell automobiles and do repairs subject to the approval of a building permit from the Building Inspector's Office and that there be not more than 20 automobiles for sale on site, not more than eight awaiting to be repaired at one time, and no outside storage, as presented on the following described tract:

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

Action Requested:

Exception (Section 410 - Principal Uses Permitted in the Residential Districts - Section 1207 - Duplex Dwellings) to erect two duplexes in an RS-3 District located on the NE corner of Oklahoma and Richmond.

Presentation:

Attorney Tom Tannehill, representing Jack Bohannon, advised that the applicant owns two lots at Richmond and Oklahoma and to the west is an open improved drainage channel. He advised that the area is platted into 50' x 40' lots and within a 1/4 mile radius, there are two units or more constructed without the Board of Adjustment approval. Mr. Tannehill further added that both lots exceed the square footage required and each duplex will be on a separate lot. He stated that across the street south is a dwelling unit facing Oklahoma Street, west is an IL District. Mr. Tannehill informed the Board that the duplexes will be designed to complement the existing development and feels it would be an improvement to the area.

Mr. Smith questioned the size of the units and Mr. Tannehill stated that there are no plans at present, but they would live within the restrictions of the bulk and area requirements. He added that the value of the homes in the area are between \$15,000 to \$25,000 and they are trying to increase the value of the property. He added that to the north and west are vacant properties.

Protests:

Tom Hudson, 1339 North Richmond Avenue, advised that it does flood in the area. Mr. Hudson stated that the home across the street has been under water and he fears the duplexes will further add to the flooding problems as well as increase their taxes. Mr. Hudson stated that some of the area residents are on a fixed income and might not be able to meet the increase in taxes. He stated that he does not object to the proposal but he does not want his taxes increased.

Horace Dunaway, 1404 North Sandusky Avenue, advised that he resides to the east of the subject property and has lived there thirteen years and fears the duplexes will create a disturbance, but if not, he has no objection. Mr. Dunaway advised that he does not object to the duplexes but does want them properly maintained and kept in proper condition. He further added that the area is a nice neighborhood and if nice duplexes are constructed, then he would have no objection to the proposal.

Carolyn Craven, 1412 North Sandusky Avenue, stated that she has experienced problems with rental property and she fears the duplexes may create drug problems. She further added that it does flood in the rear of the subject property, and informed that there are septic tanks across the street.

Don McGinnis, 1403 North Sandusky Avenue, informed that he resides across the street from the Dunaways' and the Cravens' homes and he felt that the rental property would cause damage to the area. Mr. McGinnis stated that there are elderly people in the area that are on fixed incomes and will not be able to pay increased taxes. He informed that there are no other duplexes within a two block area and if the applicant does build the duplexes, they will be flooded by water and sewage.

The Chair informed the protestants that if the Board does approve the application, even though there is a drainage problem, it must be solved to the satisfaction of the City Engineer or it cannot be built.

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 1207 - Duplex Dwellings) to erect two duplexes subject to a floodplain development permit approved by the City Engineer's Office and subject to the applicant meeting all Bulk and Area Requirements, as presented on the following described tract:

Two lots being the East 75' and the West 64.53' of a tract beginning at the SW corner of Lot 1, Block 1, C. A. Reese Addition to the City of Tulsa, Oklahoma; thence West 139.53'; thence North 165'; thence East 139.53'; thence South 165'; to the point of beginning, ALL in Section 33, Township 20 North, Range 13 East, Tulsa County, Oklahoma.

9918

Action Requested:

Variance (Section 730 - Bulk and Area Requirements in Commercial Districts - Under the Provisions of Section 1670) of the setback requirements from 100' to 72' from the center line of Pine Street in a CS District located at 2607 East Pine Street.

Presentation:

Attorney Nik Jones, 1606 1st National Bank Building, applied for a variance in setback to build a convenience store. He advised that they are proposing to tear down the present structure and construct a new building with a setback of 72' which would provide adequate parking behind the store. The applicant submitted a plot plan (Exhibit "N-1") of the proposed convenience store adding that the proposed setback will also enable easier access to the rear for deliveries. Mr. Jones stated that the subject property does abut residential property to the rear. Mr. Jones informed that the setback is also requested because of other encroaching buildings along Pine Street.

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 setback requirements from 100' to 72' from the center line of Pine Street, subject to the plot plan submitted and as presented on the following described tract:

Lot 11, LESS 20' by 20' square in the NE corner of said Lot 11, Block 1, Waverly Place Addition; and Lot 728, Block 56, Tulsa Heights Addition to the City of Tulsa, Oklahoma.

9919

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variance) of the side yard requirements from 5' to 4' in an RS-3 District located at 4132 East 37th Pl.

Presentation:

The applicant was not present. The Staff advised that the subject application is a minor variance and the applicant was requesting a variance in a side yard of 1-foot.

Protests: None.

Board Action:

On MOTION of LEWIS, the Board 30-0 (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 side yard requirements from 5' to 4' subject to the addition not being built over any utility easements on the following described tract:

Lot 8, Block 15, Resub. of Lots 2 thru 10, inclusive, Block 15, Walter Foster Addition to the City of Tulsa, Tulsa County, Oklahoma.

4.6.78:257(22)

Action Requested:

Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1217 - Automotive and Allied Activities) to operate a boat sales facility in a CS District located at 16401 East Admiral Place.

Presentation:

The applicant Robert Swanson advised that they are proposing to build a 60' x 100' building to be used for a boat showroom. He advised that to the east of the subject property is a convenience grocery and truck stop and to the south is vacant property. There are no residential homes in the immediate area.

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 boat sales facility as presented on the following described tract:

A part of Lot 4, Section 2, Township 19 North, Range 14 East in Tulsa County, Oklahoma more particularly described as follows: Beginning at a point on the north right-of-way line of East Admiral Place which is 501.50' East and 40' North of the Southwest corner of said Lot 4; thence North  $0^{\circ}-03'-30''$  East a distance of 318.89' to a point; thence South  $71^{\circ}-05'-00''$  East a distance of 162.85' to a point of curvature; thence along a curve to the left having a radius of 368.00' and a central angle of  $19^{\circ}-00'-00''$  a distance of 122.00' to a point; thence North  $89^{\circ}-55'-00''$  East a distance of 85.66' to a point on the West right-of-way line of 164th East Avenue; thence South  $0^{\circ}-25'-00''$  West along said West right-of-way line a distance of 242.50' to a point on the North right-of-way line of East Admiral Place; thence North  $89^{\circ}-49'-00''$  West along said North right-of-way line a distance of 358.01' to the point of beginning, containing 2.18 acres, more or less. LESS and EXCEPT that part thereof conveyed to Public by Dedication Deed dated April 13, 1967, recorded in Book 3803 at Page 1419 of the records of Tulsa County, Oklahoma.

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670) of the side and rear yard requirements in an RS-3, RD and RM-1 District located SE of 36th Street and 129th East Avenue.

Presentation:

Bob Anderson, representing the Anderson Development Company, applied for a variance of the side yard requirements in order to accommodate more square footage in the houses and duplexes. He stated that an additional 10' is needed on the side yard. The applicant submitted a map (Exhibit "0-1") of the proposal.

Protests: None.

9922 (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 1670) of the side yard and rear yard requirements, subject to 25' setback along the major street and a 15' side yard on all other corner lots as indicated and noted on the map (Exhibit "O-1") and as presented on the following described tract:

Lot 1, Block 1; Lot 1, Block 2; Lots 1 and 47, Block 3; Lots 10 and 11, Block 4; Lots 4 and 5, Block 6; Lots 1 and 2, Block 8; Lots 1, 18, 19 and 29, Block 10; Lots 5, 15, 16 and 25, Block 11; Lots 1, 2, 3, 4 and 5, Block 12; ALL in Park Plaza East III Addition to the City of Tulsa, Oklahoma.

9923

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variance) of the side yard requirements from 5' to 4.5' on one side and from 5' to 4.3' on the other in an RS-3 District located at 9103 East 60th Street.

Presentation:

The applicant was not present. The Staff advised that the structure is presently erected and the purpose of the application is to clear the title. The Staff advised that a plot plan (Exhibit "P-1") was submitted.

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 Variance) of the side yard requirements from 5' to 4.5' on one side and from 5' to 4.3' on the other, subject to the plot plan submitted on the following described tract:

Lot 16, Block 4, Woodland View Park 4th Addition Amended, to the City of Tulsa, Tulsa County, Oklahoma.

9928

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variance) to permit building across a lot line in an RM-1 District located north and east of 47th West Avenue and 5th Street.

Presentation:

The applicant R. E. Butler was not present, but submitted a plot plan (Exhibit "Q-1") showing his proposal to build across a lot line.

Protests: None.

9928 (continued)

Board Action:

On MOTION of LEWIS, the Board 3-0 (Lewis, Smith and Purser "aye"; Jolly and Walden "absent") approved the Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variance) to permit building across a lot line subject to the plot plan submitted on the following described tract:

Lots 15 and 16, Block 6, Verndale Addition to the City of Tulsa, Oklahoma.

9930

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variance) of the rear yard requirements from 25' to 20' in an RS-2 District located at 3130 East 84th Street.

Presentation:

The applicant David Crews was not present. The Staff advised that the applicant is building a new house and is requesting the variance of the side yard because of the odd shaped lot. The applicant submitted a plot plan (Exhibit "R-1") showing the lot.

Protests: None.

Board Action:

On MOTION of LEWIS, the Board 3-0 (Lewis, Smith and Purser "aye"; Jolly and Walden "absent") approved the Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variance) of the rear yard requirements from 25' to 20' and subject to the plot plan submitted on the following described tract:

Lot 1, Block 3, Walnut Creek V Addition to the City of Tulsa, Oklahoma.

9933

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variance) of the side yard requirements from 5' to 4.4', in an RS-3 District located at 1456 South 108th East Avenue.

Presentation:

Julia Burkart advised that the variance is requested because the house is already built on an odd shaped lot. The applicant submitted a plot plan (Exhibit "S-1") showing the lot and advised that the purpose of the application is to clear the title.

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 Variance) of the side yard requirements from 5' to 4.4' per plot plan submitted, on the following described tract:

Lot 13, Block 13, Magic Circle Addition to the City of Tulsa, Oklahoma.

OTHER BUSINESS:

8658

Building Inspector requests clarification of Case No. 8658.

Attorney William B. Jones informed that the case was presented almost three years ago. He advised that the tract (90' x 431') is in an RS-3 zoned area and was approved for a day care center. The property contained a residence which was converted into a day care center. Mr. Jones further added that the day care center was approved July 6, 1975 with no signs, but since that time the business operation has grown and they now have a need to build an additional 2,000 square foot building. A site plan (Exhibit "T-1") was submitted showing the existing frame house and the proposed building. Mr. Jones stated that he was not asking for permission for another day care center, he was asking for a clarification of the previous action.

The Chair expressed concern that the building, if allowed, is doubling the amount of children without a public hearing and Mr. Jones advised that he is only seeking clarification that the Board approved the tract for day nursery without any limitation as to size of facilities.

Board Action:

On MOTION of LEWIS, the Board 3-0 (Lewis, Smith and Purser "aye"; Jolly and Walden "absent") clarified the Board's decision to Case No. 8658, stating that no restrictions of size were placed on the property other than the customary setbacks, parking, etc.

Building Inspector requested an interpretation of Use Unit 17.

Mr. Jackere, Legal Department stated that Use Unit 16 permits only minor automotive repairs, but Use Unit 17 permits major repair services, as a principal use.

Mrs. Miller, Building Inspector's Office, requested to know if an automobile repair which did not sell gasoline would come under Use Unit 17. After a brief discussion by the Board, Mr. Smith stated that Use Unit 16 is the sale of gasoline and customary accessories, therefore, there must be a sale of gas in order to come under Use Unit 16.

There being no further business, the Chair declared the meeting adjourned at 6:30 p.m.

Date Approved May 18, 1978

Kathryn J. Purser  
Chairman