

BOARD OF ADJUSTMENT  
MINUTES of Meeting No. 259  
Thursday, May 4, 1978, 1:30 p.m.  
Langenheim Auditorium, City Hall  
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Lewis Smith (in 1:47) Walden Purser, Chairman (out 6:47)	Jolly	Edwards Gardner Jones Dyer, Mrs.	Linker, Legal Department Miller, Mrs., Building Inspector's Office

The notice and agenda of said meeting were posted in the Office of the City Auditor, 9th Floor, Room 919, City Hall, Tulsa Civic Center, on May 2, 1978 at 4:20 p.m, as well as the Reception Area of the TMAPC Offices, 3rd Floor, City Hall, Tulsa Civic Center.

The Chairman called the meeting to order at 1:42 p.m. and declared a quorum present.

MINUTES:

On MOTION of LEWIS, the Board 3-0 (Lewis, Walden and Purser "aye"; Jolly and Smith "absent") approved the Minutes of March 16, 1978, (No. 259).

UNFINISHED BUSINESS:

9878

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 Staff advised that the Board approved the application subject to the applicant returning to the Board with the building plans including the exterior elevation.

The applicant, Mr. Parmley, submitted his plans (Exhibits "A-1 and 2") and advised that the property is located at 46th Street and Waco Ave. He stated that the duplex will be built with the proper setbacks and pointed out that most homes are older homes within the Red Fork area. Mr. Parmley advised that the duplex will front on 46th Street and each unit will consist of two bedrooms, kitchen, dining room, living room and garage. He stated that the two protestants that had protested previously has agreed to accept his plans.

The Board reviewed and made a careful study of the plans, after which Board Member Lewis questioned the exterior of the structure and the applicant stated that it will either be brick, veneer or rock.

9878 (continued)

Protests: None present.

Board Action:

On MOTION of WALDEN, the Board 3-0 (Lewis, Walden and Purser "aye"; Jolly and Smith "absent") accepted the site and elevation plans as submitted to the Board, on the following described property:

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

9894

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 Variances) to permit an accessory building on a vacant lot in an RS-3 District located at 7 North 48th West Avenue.

Presentation:

The Staff advised that the Board approved the application for a home beauty shop in an accessory building to be built, subject to the applicant returning to the Board with the plans and a tie contract.

The Board approved the application subject to a tie contract since the building is to be located on a lot separate from the house. The applicant has agreed to the tie contract and the Board requested to see the plans in order to see the type structure proposed. Mr. Gardner further added that the building appears to be a single-story building with a composition roof and a one-person operation. The building is to be built on the site as opposed to a prefab or metal pre-built.

Protests: None present.

Board Action:

On MOTION of WALDEN, the Board 3-0 (Lewis, Walden and Purser "aye"; Jolly and Smith "absent") accepted the plot plan and building plans on the following described property:

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

9775

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 (2) - Home Occupation) to sell flower pots and wrought iron planters in an RS-3 District located at 1245 South Newport Avenue.

Presentation:

The applicant was not present. The Staff advised that the applicant, Mrs. Dodson, had phoned to request a continuance of the application until the meeting of May 18, 1978.

Protests:

There were protestants present and the Chair advised them of the Board's policy to grant one continuance to either the applicant or protestants as a matter of courtesy. This is the first continuance requested by the applicant. The first continuance was based on the Board's policy not to hear an application on the same property for six months.

Remarks:

Mr. Jones of the Staff, informed that an error has been detected in the Minutes of December 1, 1977, Case No. 9775 and submitted corrected copies (Exhibit "B-1") of those Minutes to the Board, which they read. He further added that Mrs. Lund, a protestant in the case, noted the error in her remarks and has read and approved the corrected copy of those Minutes.

The Chair then informed the Board that the Minutes needed to be amended as corrected.

Board Action:

On MOTION of LEWIS, the Board 4-0 (Lewis, Smith, Walden and Purser "aye"; Jolly "absent") amended the Minutes as corrected and as submitted on Case No. 9775, dated December 1, 1977.

On MOTION of SMITH, the Board 3-1-0 (Smith, Walden and Purser "aye"; Lewis "nay"; Jolly "absent") continued application 9775 to May 18, 1978, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

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 request for a variance of the setback on corner lots from 25' to 20' in an RS-3 District located on the southwest corner of 27th Street and Louisville.

Presentation:

The applicant, J. D. Spitzer, was represented by Jim Shofner, who applied to erect two duplex dwellings on a corner lot 150' x 100'. Mr. Shofner requested a variance of the frontage requirements on one tract and also a variance of the minimum square footage of 9,000 to 8,000 square feet on one tract and 7,000 square feet on the other. He also requested a variance in the setback on a corner lot from 25' to 20' and a request for a variance of the rear yard requirements from 20' to 15'. Mr. Shofner submitted three photos (Exhibit "C-1") showing various views of the subject property and advised that the variances are being requested because of the size of the lot and he felt the duplexes should be located or placed on the lot to comply with the Ordinance as much as possible. He further stated that the duplexes will be two-bedroom units. Mr. Shofner stated that the variances are in regard to 27th Place, adding that the homes on 27th Place have irregular setbacks and this requested setback is only 3' beyond the house next door. He added that the duplex will face on Louisville and there are no entrances on 27th Street. Mr.

9902 (continued)

Shofner informed the Board of the type of construction and also pointed out a duplex across the street on the NE corner of this same intersection. Mr. Shofner also submitted plot and elevation plans (Exhibit "C-2") of his proposal.

The Chair asked Mr. Shofner if he was prepared to live with his plans and he stated that he saw no reason that he would need to change the plans.

Board Member Smith questioned the type of building material planned for the exterior of the structure and Mr. Shofner stated that they are proposing 50% brick on the exterior walls. Mr. Smith also questioned the privacy fence shown on the plot plan and Mr. Shofner stated that he does not plan to erect the privacy fence, but would if the Board found it to be necessary.

Mr. Gardner informed that the record reflects that the subject property has been under application for a duplex before and was denied. He pointed out that the applicant is requesting a waiver of the rear yard to 15' as opposed to 20', and he needs only 20' in the front yard in order to get a car off the dedicated right-of-way; therefore, the Staff would like to see the Board waive the front setback from 25' to 20' and leave 20' in the rear yard.

Mr. Shofner stated that he would prefer the larger rear yard if he could move the house forward 5'.

Protestants: None present.

Board Action:

On MOTION of LEWIS, the Board 4-0 (Lewis, Smith, Walden and Purser "aye"; Jolly "absent") approved an 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 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 setback on corner lots from 25' to 20' on both 27th Street and Louisville Avenue, subject to the applicant including a privacy fence of 50% masonry on the west, and subject to the plot plan submitted and as presented on the following described tract:

Lots 1 and 2, Block 10, Kirkmoore Addition to the City of Tulsa, Oklahoma.

9905 and 9921

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1207 - Duplex Dwellings) to erect a duplex in an RS-3 District for BOA Case No. 9905, located at 1223 East 33rd Street; and

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 440.3 (2) - Special Exception

5.4.78:259(4)

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 in an RS-3 District for BOA Case No. 9921, located at 1218 East 33rd Street.

Presentation:

The applicant, Floyd Roberts, appeared before the Board on April 6, 1978, but the Board continued the application in order that the applicant could bring his plans to the Board for review.

Mr. Roberts submitted the plans (Exhibit "C-1") of the three duplexes he is proposing to build at 1223 East 33rd Street and 1218 East 33rd Street, as well as the plans for the duplex already built northwest of 33rd Street and Peoria Avenue, Case No. 9593. Mr. Roberts stated that he does have the development plans of the existing duplex for the Board's review. The one proposed duplex is just east of the one that is already built NW of 33rd Street and Peoria Avenue. He advised that directly east is CH zoning, west is RS-3 zoning and he is seeking approval of an exception to erect two duplexes at 1218 East 33rd Street advising that he is proposing to split the lot and build two duplexes on it, and will erect one duplex at 1223 East 33rd Street.

The Chairman stated that on July 21, 1977 the applicant appeared before the Board and applied to erect a duplex in an RS-3 District located NW of 33rd Street and Peoria Avenue and informed the Board that the exterior of the duplex would be a combination of sandstone and rock and asked if that was yet his proposal. The applicant replied that the duplex will be all frame and he does not plan any masonry, adding that there was an error made, but he would put masonry on the older duplex if the Board insists.

Board Member Lewis questioned if new notices were mailed to all property owners within a 300' radius of the subject property, adding that one party was never given a notice and was left off all the mailing lists.

Mr. Linker, Legal Department, stated that it has been a policy of the Board that if a party is present at the hearing then that is sufficient notice.

Mr. Smith questioned if the existing duplex was under litigation in the Court and the applicant stated that the litigation is on the boundary question only.

Mr. Lewis asked the Board if consideration were being given to the plot plan on Case No. 9593 and the Chair replied that it was.

Mr. Roberts stated that the exterior could be changed. The roof is flat with tar and gravel. He stated that there are four homes in the area, two of which are frame homes. The Chair stated that she was concerned about the flat roof and that it was not built as represented to the Board.

Mr. Lewis stated that the entire proposal concerns him. The fact that the applicant has an application for two more duplexes which will be the same design.

Board Member Walden made a motion to disapprove the plans on Case No. 9593 as submitted. Motion died for lack of a second.

Mr. Roberts stated that the new duplexes will be constructed of a combination of wood and rock. He further stated that there was an error in the plat of survey and they were forced to shorten the first building and go up. Mr. Roberts added that they had originally planned to build a one-story, but because of the creek it was impossible to build a one-story structure.

Mr. Smith questioned the square footage per side and the applicant stated that there will be 1,400 square feet per side. Mr. Smith then asked if the applicant was of the opinion that as long as the setback was met it was alright to build any design duplex?

Chairman Purser stated that the character of the building has changed from a one-story to a two-story. She also stated that she would like to listen to the tape to determine if it was made clear to the applicant that he would be bound by his representation to the Board. If it was not, then he has a legitimate problem, if it was, then it would be a different situation.

Mr. Lewis questioned Mr. Linker as to the alternatives the Board has if they do not accept the plans. Mr. Linker stated that the Board could require the plans to be changed providing the conditions were reasonable. The Board could also have the applicant remove the duplex if they determined that he did not build within the original conditions approved by the Board. Mr. Lewis then asked Mr. Roberts if he could modify the existing structure to make it more compatible with the area? The applicant stated that it is not impossible and that he could build a Mansord roof on the duplex but he would have to go back to the lender who holds the mortgage on the project.

The Chairman asked for further questions from the Board, there being none, she asked what was the pleasure of the Board concerning the plans of Case No. 9593.

Board Member Lewis made a motion, seconded by Mr. Walden, to accept the plans with modifications submitted by the applicant for Case No. 9593. Mr. Smith and Chairman Purser voted "nay". Motion was defeated because of a split vote.

Mr. Gardner stated that it is obvious that the applicant did not build according to what he stated because of the change of the size of lot and drainage requirements. The Board can either modify the existing structure and plans or deny the duplex plans and then it would be up to the Building Inspector to have the applicant remove the structure even though it is 98% complete.

Mr. Lewis then asked the applicant if he could bring the existing structure in line with what was expected and if not, it would be appropriate to remove it. Mr. Linker then informed that the review of the plans for Case No. 9593 should have been specifically listed on the agenda and posted since the meetings of the Board of Adjustment

9905 and 9921 (continued)

are in the form of a public hearing. Therefore, action can not be taken to accept or reject the plans for Case No. 9593 today.

Mr. Lewis asked if the Board should take any action and have the Building Inspector issue a stop work order on the duplex and have it printed on the next agenda.

Mr. Smith stated that he could not support the present set of plans.

Mr. Linker stated that the Staff could inform the Building Inspector's Office to have the applicant to cease work or he could continue at his own risk until the matter is settled.

The Chair then informed the Board and other interested parties that Case No. 9593 had not been given proper notice on the agenda; therefore, Mr. Smith's motion to turn down the plans is not in order. The Board will review those plans at the next meeting. The Board can take action on Cases Nos. 9905 and 9921 today.

Board Action:

On MOTION of LEWIS, the Board 4-0 (Lewis, Smith, Walden and Purser "aye"; Jolly "absent") scheduled the review of the plans for Case No. 9593 for the public hearing on May 18, 1978, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

Mr. Roberts stated that his proposal today to erect one duplex at 1223 East 33rd and two duplexes at 1218 East 33rd Street were based on the plans submitted which are like the existing duplex.

Mr. Lewis informed the applicant that the Board was not impressed with the plans submitted and asked the applicant if he wanted the Board to consider the duplexes based on the plans as submitted and the applicant replied that he did.

Protestant: Marie Arkiketa

Address: 1215 East 33rd Street

Protestants' Comments:

Marie Arkiketa advised that she is protesting the duplexes because of their appearance and because she was never notified of a hearing that the matter was to appear before the Board. Mrs. Arkiketa was confused as to why she did not receive public notice of the hearing on any of the duplexes when the other area residents did receive notice. She also stated that the applicant had built the structures without obtaining a building permit. Mrs. Arkiketa also stated that the contractors use her water, use the restroom beside her house and generally trespass on her property. She also informed the Board of a ditch on the west side which has caused the land to slide and cut away at her property, questioning why those conditions were allowed to be created. Mrs. Arkiketa stated that the building is very unsightly and she has tried to live with the conditions but can not, and is very much opposed to the existing duplex dwellings as well as the ones Mr. Roberts is proposing to build. She stated that Mr. Roberts made an attempt to prevent her from attending the hearing.

9905 and 9921 (continued)

Mr. Roberts stated that he did not begin construction without a building permit and stated that he does have a permit on file in the Building Inspector's Office.

Mrs. Miller, Building Inspector's Office, stated that the applicant did obtain a building permit and it was issued on January 6, 1978.

Board Action:

On MOTION of SMITH, the Board 4-0 (Lewis, Smith, Walden and Purser "aye"; Jolly "absent") denied an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1207 - Duplex Dwellings) to erect a duplex; and also denied an 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 440.3 (2) - Special Exception Uses in Residential Districts, Requirements - Under the Provisions of Section 1670) of the 9,000 square feet of lot area per duplex on the following described tracts:

9905 - Beginning at the SE corner of Lot 7, Block 5, Brookside Amended Addition to the City of Tulsa, Oklahoma; thence West 90' to the SW corner; thence North 106'; thence Northeasterly 96.93'; thence South 142' to the point of beginning.

9921 - The East 20' of Lot 3, all of Lot 2, Block 5, Brookside Amended Addition to the City of Tulsa, Oklahoma.

NEW APPLICATIONS:

9924

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; 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 6806 West Skyline Drive.

Presentation:

The applicant James Payne, 1516 South 122nd East Avenue, applied to locate a mobile home on a 2.5-acre tract purchased by his mother at 6806 West Skyline Drive as her place of residence. Mr. Payne stated that his mother is retired and is in ill health and this would enable her to live nearby. Mr. Payne submitted a plan (Exhibit "E-1") of the proposed location of the mobile home which is 14' x 70'. He also submitted additional correspondence (Exhibit "E-2") of his proposal, a copy of the health perc test and the interior of the mobile home.

Upon questioning by the Chair, the applicant stated that he does not plan to reside on the 7.5 acres, but that he recently purchased the property from his mother and added that the application is being made on behalf of his mother.

Protests: None present.



9924 (continued)

Board Action:

On MOTION of SMITH, the Board 4-0 (Lewis, Smith, Walden and Purser "aye"; Jolly "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; 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 for a period of seven years and as presented on the following described tract:

South 330' of the West 396' of the SW/4, SW/4, NE/4 of Section 30, Township 19 North, Range 12 East, Tulsa County, Oklahoma.

9925

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670) of the density requirements from 7.12 to 8 units; and a request for variance of the setback requirements from 10' to 7' on the south in an RM-2 District located at 1404 South St. Louis Avenue.

Presentation:

Charles Gilmore, 6520 South Lewis Avenue, applied for a variance of the density requirements from 7.12 to 8 units and a variance of the building setback from 10' to 7' on the south. Mr. Gilmore advised that on the north is an existing retaining wall along 14th Street adding that traffic is quite heavy and the reason for the requested setback is because of a slope in the terrain and to provide more safety. The reason for the increase in density is to square off the building. The applicant submitted a plot plan (Exhibit "F-1") of the proposal. Mr. Gilmore also submitted a letter (Exhibit "F-2") stating the reasons for requesting a change in the number of units as well as a variance in setback. He further stated that the plans are detailed and he does plan to build as shown on the plans.

The Chairman questioned the applicant if there was a house to the south of the subject property and the applicant stated that there was but it is vacant.

Protests: None present.

Board Action:

On MOTION of LEWIS, the Board 3-0-1 (Lewis, Walden and Purser "aye"; Smith "abstained"; Jolly "absent") approved the Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670) of the density requirements from 7.12 to 8 units; and a variance of the setback requirements from 10' to 7' on the south side as presented and subject to the plot plan submitted on the following described tract:

Lot 1, Block 11, Forrest Park Addition to the City of Tulsa, Oklahoma.

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1209 - Mobile Homes) to locate a mobile home in an RS-2 District located at 414 Ridge Drive, Sand Springs, Oklahoma.

Presentation:

The applicant Andra Dobbs, was represented by Gary Dobbs, applied to locate a mobile home on the subject property. Mr. Dobbs submitted a plot plan (Exhibit "G-1") showing the location of the mobile home on the property and added that there are four other mobile homes on the street.

The Chairman questioned the length of time that the applicant is proposing to live in the mobile home and the applicant stated that he does plan to build a home, but has no definite plans at present. The Chair then informed Mr. Dobbs of a letter (Exhibit "G-2") from the City of Sand Springs, expressing their concern with the homes surrounding the area and advised that they prefer mobile homes be located in an RMH District. The Chair also stated that if the application is approved it would only be for a period of one year and would require the posting of a removal bond.

Protests: None present.

Board Action:

On MOTION of SMITH, the Board 4-0 (Lewis, Smith, Walden and Purser "aye"; Jolly "absent") approved the Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1209 - Mobile Homes) to locate a mobile home for a period of one year with a removal bond required as presented on the following described tract:

Lot 6, Block 20, Charles Page Home Acres Sub. No. 2, Tulsa County, Oklahoma.

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variances) to build across a lot line; and a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670) of the setback requirements on a corner lot from 25' to 15' in an RS-3 District located on the SE corner of 37th Street and Jamestown Avenue.

Presentation:

David Shouse, 3903 South Jamestown Avenue, advised that he has changed his application and is no longer applying for an exception to build a duplex. He further stated that he is requesting to build two single-family dwellings across the lot line and has also made application to change the shape of the lots so that they front 37th Street instead of Jamestown.

The applicant submitted a plot plan (Exhibit "H-1") of his present proposal and stated that all homes on 37th Street will have a 25-foot setback on the north and a 15' side setback on 37th Street.

9927 (continued)

Protests: None present.

Board Action:

On MOTION of SMITH, the Board 4-0 (Lewis, Smith, Walden and Purser "aye"; Jolly "absent") withdrew the Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1207 - Duplex Dwelling) to erect a duplex in an RS-3 District, because it was not required and approved the Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variances) to build across a lot line; and a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670) of the setback requirements on a corner lot from 25' to 15' subject to the plot plan submitted and as presented on the following described tract:

Lots 1 and 2, Block 6, Thirty-Sixth Street Suburb Addition to the City of Tulsa, Oklahoma.

9929

Action Requested:

Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1209 - Mobile Home Dwelling) to locate a mobile home in an AG District located to the north and west of 25th West Avenue and 121st Street.

Presentation:

Bob Enlow, Rt. 3, Box 339, Sapulpa, Oklahoma, applied to locate a mobile home on the subject tract. The applicant informed of a mobile home presently on the subject tract and one, one-fourth mile from the subject property. Mr. Enlow stated that his father does own the property and his mobile home will be located 900' to the north in the rear of the property.

Mr. Lewis asked the applicant if the mobile home is on a temporary basis and if so, does he plan to build a home. The applicant stated that he does plan to build a home but he is proposing to live in the mobile home for a while.

The Chairman asked Mr. Gardner if there were any restrictions prohibiting two mobile homes on a single piece of property. Mr. Gardner informed that the Ordinance states that there can not be two residential single-family structures on one piece of property. The applicant informed that there is approximately 6.7 acres involved and Mr. Gardner stated that the applicant could merely draw up a separate deed without a lot-split. The Chairman then informed the applicant that the portion of the Code needing a variance for two houses on one lot had not been properly advertised.

Protests: None present.

Board Action:

On MOTION of SMITH, the Board 4-0 (Lewis, Smith, Walden and Purser "aye"; Jolly "absent") continued application #9929 until Thursday, May 18, 1978, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

9931

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) to operate a day care center in a church in an RS-3 District located at 1365 East 46th Street North.

Presentation:

The applicant was not present.

Protests: None present.

Board Action:

On MOTION of LEWIS, the Board 4-0 (Lewis, Smith, Walden and Purser "aye"; Jolly "absent") continued application #9931 until Thursday, May 18, 1978, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

9932

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1209 - Mobile Homes) to maintain a mobile home in an RS-2 District located at 1415 East 73rd Street North.

Presentation:

The applicant Sandra Scott, was not present but submitted a letter (Exhibit "I-1") asking the Staff to present her request to the Board. She stated that due to her employment she was unable to attend the meeting. She stated in her letter that her reason for the request is because her mother lives with her and is crippled of arthritis. Mrs. Scott added that her home is in her grandparents backyard and she is there to care for her mother. She informed of other mobile homes in the area and added that this is her fifth year to appear before the Board.

Protests: None present.

Board Action:

On MOTION of SMITH, the Board 4-0 (Lewis, Smith, Walden and Purser "aye"; Jolly "absent") approved the Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1209 - Mobile Homes) to maintain a mobile home for a period of one year with a removal bond required and as presented on the following described tract:

The East 50' of Lot 8, and the West 5' of Lot 9, Block 3, Golden Hills Addition to the City of Tulsa, Oklahoma.

9934

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; 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 11726 South Sheridan Road.

Presentation:

Allen Loche, 7927 East 60th Place, #2, applied for an exception to locate a mobile home on a three-acre tract. Mr. Loche advised that the three acres is a part of the fifteen-acre area divided into five tracts. He informed that there is a residence within 300 feet. The applicant submitted a General Warranty Deed (Exhibit "J-1") along with the Real Estate Mortgage showing the easements to the property.

The Chairman asked the applicant if he plans to build a home, he stated that he does plan to start in the fall. He advised that the request is only for a period of three years.

Mr. Smith questioned the other tracts and the applicant stated that they are vacant. Mr. Smith informed the applicant of a tributary and of the effects it might have on him and suggested that the applicant build on high elevations and the applicant stated that the tributary would not effect him.

Protests: None present.

Board Action:

On MOTION of SMITH, the Board 4-0 (Lewis, Smith, Walden and Purser "aye"; Jolly "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; 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 for a period of three years on the following described tract:

Part of NE/4, SE/4, Section 34, T-18-N, Range 13E, described as: Beginning at the NW corner of the E/2 of the SW/4 of the NE/4 of the SE/4, Section 34; thence North  $89^{\circ}-43'-12''$  East 335.61'; thence South  $8^{\circ}-08'-21''$  East 98.88'; thence South  $2^{\circ}-06'-36''$  West 190.13'; thence South  $42^{\circ}-16'-25''$  East 44.59'; thence South  $2^{\circ}-19'-40''$  West 123.10'; thence North  $69^{\circ}-24'-12''$  West 392.28'; thence North  $0^{\circ}-04'-19''$  West 304.25' to the point of beginning.

Action Requested:

Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1208 - Multifamily Dwellings) to convert a club room into four dwelling units in a CS District; and a Variance (Section 1208.4 - Off-Street Parking and Loading Requirements - Under the Provisions of Section 1670) of the parking requirements due to the number of older tenants who do not own cars, existing parking is more than adequate in an RM-2 and CS District located at 4315 South Owasso Avenue.

Presentation:

Donald Detrich, 1300 National Bank of Tulsa Building, representing the Gemini Properties One, owner of the Prestonian Apartments, applied to convert a club room into four dwelling units, and a variance of the

parking requirements due to the number of older tenants who do not own cars. Mr. Detrich submitted a plot plan (Exhibit "K-1") showing the existing building to be remodeled and the parking spaces. He advised that to convert the club room into four dwelling units will entail interior remodeling only and added that the property is located in the southeast corner of the project. He stated that east of the subject property is a gas station and a car wash, to the south is a used car lot, across Peoria to the east is the John Zink Company, and south of it is Pennington Restaurant. North and west of the subject property are single-family dwellings extending to Riverside Drive. Mr. Detrich added that the maintenance and upkeep of the apartments is similar to that of the abutting single-family area and the apartments do buffer single-family uses. Mr. Detrich felt the proposal would not be detrimental because of a 10' high brick fence extending to the south boundary and continuing on the west property line. He felt that it would be in harmony with the area and will not be detrimental to the public good. Mr. Detrich advised that he was also seeking a variance in the parking requirements adding that the parking as it exists is more than adequate. He submitted photos along with signed petitions from forty-one tenants (Exhibit "K-2") all supporting the proposal. Mr. Detrich added that he saw no problem with the parking at the club site and stated that a seven day survey was conducted of the parking and it was determined from the survey that there is ample parking space available. He informed that there are many convenient facilities in the immediate area and also there are those tenants who no longer would like to own an automobile or maintain one. Therefore, he felt the present parking is more than adequate and a four efficiency unit will not necessitate more parking spaces.

Mr. Lewis questioned if the clubhouse was a recreational facility and the applicant replied that it was, but is being used for storage now.

Protests: None present.

Board Action:

On MOTION of LEWIS, the Board 4-0 (Lewis, Smith, Walden and Purser "aye"; Jolly "absent") approved the Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1208 - Multi-family Dwellings) to convert a club room into four dwelling units in a CS District; and a Variance (Section 1208.4 - Off-Street Parking and Loading Requirements - Under the Provisions of Section 1670) of the parking requirements as presented and subject to the plot plan submitted on the following described tract:

Lot 3, a Resubdivision of Block 4, Pasadena Addition to the City of Tulsa, Oklahoma.

Action Requested:

Exception (Section 250.3 (a) - Modification of the Screening Wall or Fence Requirements) of the screening requirement where existing physical features provide visual separation of uses in an IL District located at 15091 East Admiral Place.

Presentation:

Rick Roberts, 2509 East Admiral Place, applied to modify the screening requirements to permit an existing vegetation fence and also the vehicles to be screened are 10' high and a 6' screening fence would not screen anything. He stated that he is proposing to expand his business on the property which is located near the Skelly Bypass. He also informed of an acreage to the east that has a home on it with a fenced area where the house is and also has a shrubbery screen. The applicant stated that he works on motor homes; therefore, there will be vehicles awaiting to be serviced and he has operated his business since October, 1975.

Mr. Jones of the Staff, advised that the Comprehensive Plan designates this general area for industrial.

Protests: None present.

Board Action:

On MOTION of LEWIS, the Board 4-0 (Lewis, Smith, Walden and Purser "aye"; Jolly "absent") approved the Exception (Section 250.3 (a) - Modification of the Screening Wall or Fence Requirements) of the screening requirement where existing physical features provide visual separation of uses, as presented on the following described tract:

All that part of the East 194' of the West 344' of the East 832.22' lying South of the 66 Bypass of Lot 3, Section 3, Township 19 North, Range 14 East of the IB & M, Tulsa County, Okla., less the South 40' thereof, and the North 250' of that part of the East 22' of the West 150' of the East 832.22' lying South of the 66 Bypass of Lot 3, Section 3, Township 19 North, Range 14 East of the Indian Base and Meridian, Tulsa County, Oklahoma.

9937

Action Requested:

Variance (Section 930 - Bulk and Area Requirements in the Industrial District - Under the Provisions of Section 1670) of the setback requirements on the north, south and east in an IR District located southwest of Hudson Place and Skelly Drive.

Presentation:

N. D. Henshaw, 9511 East 46th Street, applied for a setback variance to build an office which resembles a home by design. He stated that the property is a small tract of land located immediately east of the Children's Medical Center. He advised that the area south of the expressway is zoned IR. The zoning may not be compatible with the residential area if not properly developed. An office as proposed, would be the best land use possible under the Zoning Code. Mr. Henshaw informed of a 34' easement on the west side and he is requesting a 25' setback from the property line on Hudson Place and 10' setback from the adjacent residential area. He informed that the setback will be the same as the setback of the homes.

Mr. Smith questioned the proposed parking and Mr. Henshaw stated that there will be ample parking for the type of individual offices planned. No waivers are requested for parking. We are not proposing any parking on the south but all of the parking will be to the northwest.

9937 (continued)

Protests: None present.

Board Action:

On MOTION of WALDEN, the Board 4-0 (Lewis, Smith, Walden and Purser "aye"; Jolly "absent") approved the Variance (Section 930 - Bulk and Area Requirements in the Industrial District - Under the Provisions of Section 1670) of the setback requirements on the north, south and east as presented subject to the applicant submitting a final plot plan to the Board, indicating the location of the structure to be built and the off-street parking on the subject property, on the following described tract:

Reserve A, Fairfield Center Addition to the City of Tulsa, Okla.

9938

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variances) of the frontage requirements in an RS-1 District located at 2669 East 75th Street.

Presentation:

The applicant was not present. The Staff advised that the lot-split was approved by the Planning Commission to build two single-family residences, advising that one lot will have a 30' frontage handle extending to the dedicated street.

Protests: None present.

Board Action:

On MOTION of SMITH, the Board 4-0 (Lewis, Smith, Walden and Purser "aye"; Jolly "absent") approved the Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variances) of the frontage requirements (L-14298) on the following described tract:

Lot 6, Block 2, Southern Hills Estates Addition, less the North 309.85 feet and less the East 127 feet of the South 155 feet, in the City of Tulsa, Oklahoma.

9939

Action Requested:

Variance (Section 330 - Bulk and Area Requirements in the Agriculture District - Under the Provisions of Section 1630 - Minor Variances) of the frontage requirements from 300' to 166' in an AG District to permit a lot-split north and east of 131st Street and Elwood Avenue.

Presentation:

The applicant Delbert Fuller was not present. The Staff advised that the Planning Commission approved the application subject to the approval of the Board.

Protests: None present.



9939 (continued)

Board Action:

On MOTION of SMITH, the Board 4-0 (Lewis, Smith, Walden and Purser "aye"; Jolly "absent") approved a Variance (Section 330 - Bulk and Area Requirements in the Agriculture District - Under the Provisions of Section 1630 - Minor Variances) of the frontage requirements from 300' to 166' in an AG District to permit a lot-split (L-14295) on the following described tract:

The South 166' of the West 660' of the NW/4, SW/4, of Section 1, Township 17 North, Range 12 East, Tulsa County, Oklahoma.

9940

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) to use property for church use; and a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variances) to build across lot lines; and a Variance (Section 1205.3 - Use Conditions - Under the Provisions of Section 1670) of the one-acre minimum for a church in an R District located at 634 East Newton Place.

Presentation:

Mr. Gavin, representing the St. Monica Catholic Church, 634 East Newton Place, applied to enlarge an existing nonconforming use to extend across the lot lines. He submitted a plot plan (Exhibit "L-1") showing the present and proposed structures.

Mr. Steve Olson, 324 East 3rd Street, advised that they are remodeling and not tearing down and rebuilding an entirely new garage and new canopy attached to the Parrish hall.

Protests: None present.

Board Action:

On MOTION of SMITH, the Board 4-0 (Lewis, Smith, Walden and Purser "aye"; Jolly "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; and a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variances) to build across lot lines; and a Variance (Section 1205.3 - Use Conditions - Under the Provisions of Section 1670) of the one-acre minimum for a church per plot plan submitted and as presented on the following described tract:

Lots 2, 3, 4, 5 and 6, Block 8, Greenwood Addition to the City of Tulsa, Oklahoma.

9941

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variances) to permit building across a lot line in an RS-3 District located at 2107 East 31st Place North.

Presentation:

The applicant Fredric Carter, 2220 North Peoria Avenue, applied to build across a lot line because the house is too large to be located on one lot. The applicant submitted a plot plan (Exhibit "M-1") of his proposal.

Protests: None present.

Board Action:

On MOTION of SMITH, the Board 4-0 (Lewis, Smith, Walden and Purser "aye"; Jolly "absent") approved the Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variances) to permit building across a lot line subject to the plot plan submitted on the following described tract:

Lots 12 and 13, Block 6, Beautyrest Addition to the City of Tulsa, Oklahoma.

9942

Action Requested:

Variance (Section 330 - Bulk and Area Requirements in the Agriculture District - Under the Provisions of Section 1630 - Minor Variances) of the area requirements in an AG District to permit a lot-split (L-14305) located at 6511 East 126th Street North.

Presentation:

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

Protests: None present.

Board Action:

On MOTION of SMITH, the Board 4-0 (Lewis, Smith, Walden and Purser "aye"; Jolly "absent") approved the Variance (Section 330 - Bulk and Area Requirements in the Agriculture District - Under the Provisions of Section 1630 - Minor Variances) of the area requirements in an AG District to permit a lot-split (L-14305) on the following described tract:

Part of the SW/4, SE/4, beginning at the SE corner of the SW/4, SW/4, SE/4; thence North 220'; thence West 330'; thence South 220'; thence East 330' to the point of beginning, less the East 25' thereof, Section 35, Township 22 North, Range 13 East, Tulsa County, Oklahoma, containing 1.54 acres.

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670) of the lot width requirement from 100' to 84' in an RM-1 District located at 1360 East 61st Street.

Presentation:

The applicant Robert Swanson, 5200 South Harvard Avenue, applied for a variance in the lot width requirements. Mr. Swanson submitted a copy of the site plan (Exhibit "N-1") and stated that he meets all requirements except the lot width. He informed that his site plan has been reviewed by the City Hydrologist and City Engineer's offices and also submitted the plan to the Traffic Engineering Department, as well as the Fire Department.

Mr. Smith questioned the site to the immediate west and the applicant replied that there is a house and a nursing home and that the entire area is zoned RM-1.

Protestants: Six present.

Attorney, Jim Lindsey, 1370 East 61st Street, area resident and representative of the protestants, advised that he is leasee and resides to the east of the subject property. He stated that the applicant is proposing fourteen multifamily units, adding that a hardship must be shown and must not be a detriment to the public good. Mr. Lindsey informed that the subject property is 84.6' in width and 373' in depth and previously had a single-family residence on it that was removed. During the time the house was on the property, Mr. Lindsey stated that there was an occasion when it was 12" to 14" of water on the property and it almost entered his home. He further added that he felt the multifamily units will create a drainage problem and if the water flow is shut off, it will be detrimental to the property to the west, east and south and he does not feel a hardship has been given. He added that in addition to drainage problems, he was concerned about the increase in traffic and stated that during certain hours of the day there is a great amount of traffic and the proposal will be to the public detriment. Mr. Lindsey submitted a letter of opposition (Exhibit "N-2") from two area residents and cautioned that if the proposal is allowed and presents a flooding problem, then the protestants have a cause to file suit for damages, and asked the Board to take into consideration the public detriment.

Evelyn E. Harvey, 1376 East 61st Street, opposed the proposal and advised that the area does flood and submitted five photos (Exhibit "N-3") showing the subject property after a rain. Ms. Harvey stated that she does carry flood insurance and is located on the floodplain map.

Juan A. Calderon, 1358 East 61st Street, stated that he is opposed to the proposal because water is a problem and added that each time it rains, he has water in his yard. He stated that if the proposal is granted on the subject property then it should be granted on each side of the subject property.

9943 (continued)

Ruth Corigan stated that she owns the residence occupied by Mr. Lindsey and they are presently faced with a flooding problem, and the area is in a B Zone. Mrs. Corigan said that her home is high, but still feels an increase in the intensity of the land will cause water in her house.

Mr. Gardner stated that the property is in a Zone B area according to the FIA flood insurance maps. The request is for a variance and the Board should determine if the applicant has a hardship. Mr. Gardner read from the Code the criteria for a hardship and stated that in the language of the Code, narrowness and/or shape of the land is listed.

Discussion:

Board Member Smith informed the Board that he would abstain from voting and advised that the company with whom he is employed did some drainage review work for the applicant.

Board Action:

On MOTION of WALDEN, the Board 3-0-1 (Lewis, Walden and Purser "aye"; Smith "abstaining"; Jolly "absent") denied the Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670) to waive the lot width requirement from 100' to 84' on the following described tract:

The East 84.68' of the South 373.8' of the North 388.8' of Lot 4, Block 1, Valley View Addition to the City of Tulsa, Oklahoma.

9944

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 (2) - Home Occupations) to operate a one man garage for minor repairs to automobiles in an RS-3 District located at 5607 South Quincy Place.

Presentation:

Roy Hinkle, representing the applicant M. H. Bullock, advised that he has consulted with the protestant's present, and has agreed to have a meeting on Tuesday, May 9, 1978 to discuss the proposal. Therefore, he requested a continuance until May 18, 1978 and advised that the protestants have agreed to a continuance.

Protestants: Three present.

Board Action:

On MOTION of LEWIS, the Board 4-0 (Lewis, Smith, Walden and Purser "aye"; Jolly "absent") continued application #9944 until May 18, 1978, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

9945

Action Requested:

Variance (Section 330 - Bulk and Area Requirements in the Agriculture District - Under the Provisions of Section 1630 - Minor Variances) of the frontage requirements in an AG District from 300' to 165' to permit a lot-split (L-14304) located SE of 104th Street and Yale Avenue.

9945 (continued)

Presentation:

The applicant, Larry Johnson, was not present and the Staff advised that the Planning Commission approved the lot-split (L-14304) subject to the approval of the Board.

Protests: None present.

Board Action:

On MOTION of SMITH, the Board 4-0 (Lewis, Smith, Walden and Purser "aye"; Jolly "absent") approved the Variance (Section 330 - Bulk and Area Requirements in the Agriculture District - Under the Provisions of Section 1630 - Minor Variances) of the frontage requirements in an AG District from 300' to 165' to permit a lot-split (L-14304) on the following described tract:

The S/2, of the NW/4, of the SW/4 of the NW/4 of Section 27, Township 18 North, Range 13 East, Tulsa County, Oklahoma.

9946

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; 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 SE of 106th Street and South Main Street.

Presentation:

The applicant Herman Bell, Rt. 2, Box 286, Jenks, Oklahoma, applied to locate a mobile home on the subject property. He advised that the property is owned by his son who is requesting to move in the mobile home. Mr. Bell informed of a house approximately 1/4 mile to the north of the subject property which is vacant. He informed the Board of other mobile homes on 101st Street and along South Peoria Avenue. He also stated that there were mobile homes on 103rd Street, south and west of the subject property.

Upon questioning by the Chair, Mr. Bell stated that his son does plan to reside at the mobile home and has no plans to build in the immediate future. Mr. Bell stated that he lives on the adjoining five-acre tract and he has given each son an acre of land. Upon questioning by Mr. Smith, Mr. Bell stated that the subject property is located 1 mile south and 1/2 mile west of Jenks.

The Chairman also informed Mr. Bell of a letter from the City of Jenks (Exhibit "O-1") opposing mobile homes in the Jenks area when not within a mobile home park.

9946 (continued)

Mr. Gardner stated that he felt that Jenks is concerned that the area does not become full of mobile homes without being in a mobile home park. If the Board is considering approving the application, it should be approved for a specified period of time.

Protests: None present.

Mr. Walden made a motion to approve the application for a period of five years. The motion died for lack of a second, the Chairman stated that she would not vote in favor of five years. Mr. Walden then made another motion.

Board Action:

On MOTION of WALDEN, the Board 4-0 (Lewis, Smith, Walden and Purser "aye"; Jolly "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; 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 for a period of three years, on the following described tract:

A parcel of land in the West 5 acres of the North 15 acres of the NW/4 of the SE/4 of Section 25, Township 18 North, Range 12 East, more particularly described as follows: Beginning at a point 312' East of the NW corner of the NW/4 of the SE/4; thence South 100'; thence West 48'; thence South 395'; thence East 88'; thence North 495'; thence West 40' to the point of beginning.

9947

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential District - Section 440 - Mobile Homes) to locate a mobile home (8' x 28') on the rear of a lot in an RS-3 District located at 5461 North Johnstown.

Presentation:

Hope Masterson, 5461 North Johnstown Avenue, applied to locate a travel trailer on the subject property advising that the trailer is 8' x 28' and would be located in the rear of the property. She further stated that her husband does a great amount of traveling, but when he is at home the trailer is not in use and is stored.

Mr. Lewis questioned what is to the rear of her property and the applicant stated that there are railroad tracks in the rear and they are lower than her property.

The Chairman informed of a letter (Exhibit "P-1") expressing no objections to the application. Mrs. Purser further stated that if the use is a travel trailer and not a mobile home, and the travel trailer will be located in the rear of the building and not out front, then the applicant does not require an approval from the Board of Adjustment and the applicant's fee should be reimbursed.

9947 (continued)

Protests: None present.

Board Action:

On MOTION of SMITH, the Board 4-0 (Lewis, Smith, Walden and Purser "aye"; Jolly "absent") withdrew the application from the agenda and voted to reimburse the applicant's fee on the following described tract:

Lot 10, Block 47, Valley View Acres Third Addition to the City of Tulsa, Oklahoma.

9948

Action Requested:

Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1203 - Area-Wide Special Exception Uses) to operate a sewage disposal facility in an AG District located NW of 116th St., and South Maybelle Avenue.

Presentation:

Jack Spradling, 5157 East 51st Street applied to operate a sewage treatment facility and advised that the facility will serve residential development inside the Jenks Fence Line. He advised that the treatment facility will accommodate seventy-two acres of development and has discussed the maintenance and operation with Jenks. However, the facility at present is not in the City Limits of Jenks, therefore, they can not take over the facility. Mr. Spradling submitted an aerial photo of the area (Exhibit "Q-1") and added that the facility will be constructed to Jenks' specification. He informed that there is adequate land for the facility. The tanks will be steel and will be above the ground. Mr. Spradling added that the Planning Commission has approved the preliminary plat of the subdivision. He also stated that there will be no odor because it will be properly designed and properly maintained and the solids, if any, will be carried from the site. In the future the facility will be operated by the City of Jenks. He further added that the Health Department prefers a treatment plant as proposed over a lagoon.

Mr. Smith questioned if the subdivision will have fire protection and curb and gutters and Mr. Spradling stated that they will have full fire protection and are meeting all Jenks requirements for streets including curb and gutter.

Mr. Lewis asked the applicant if he was anticipating a screening fence noting that the area is AG. Mr. Spradling informed that there will be a security type fence consisting of hog wire and three strands of barbed wire. Mr. Lewis further questioned the outer perimeter of the fencing which the applicant replied will be 250' x 250'.

The Chairman questioned the planting of berms and the applicant stated that he could plant trees or shrub but they would not disguise the plant.

Protests:

Mrs. John Trepp, Jenks, Oklahoma, advised that she is opposed to the treatment facility because she is a property owner in the area and she fears the facility will carry an odor. She also questioned how the facility would be routed to Coal Creek. Mrs. Trepp stated that she also objected to the appearance and the fact that the sewage system would be located in the middle of a square mile section. She also expressed concern with the future development of the property downstream and further added that she was informed by Health Department officials that this type facility is not the best type and that the total retention type facility works best. She fears the plant will malfunction and will not be an asset.

The Chair informed the applicant of a letter (Exhibit "Q-2") from the City of Jenks citing eight restrictions. The Chair asked the applicant to read the letter which he did and stated that he has no objections to any of the conditions. He added that he has been approached concerning the annexation into the City of Jenks. He stated that the Health Department requires a permit to discharge waste into a stream and they will meet all requirements.

Board Action:

On MOTION of LEWIS, the Board 4-0 (Lewis, Smith, Walden and Purser "aye"; Jolly "absent") approved the Exception (Section 310 - Principal Uses Permitted in Agriculture District - Section 1203 - Area-Wide Special Exception Uses) to operate a sewage disposal facility as presented subject to the requirements set forth in the letter from the City of Jenks, dated April 26, 1978, City Manager, Mr. Ray and subject to establishing a shrubbery screen which will completely enclose the site so as to provide adequate physical screening except for the access entrance drive to the plant; and that the shrubbery be placed around the 250' perimeter of the property; and that prior to issuance of a building permit that construction plans be sent to Jenks and copies made available for the Board file, that the plans be approved by local and State Health Departments, on the following described tract:

The South 250' of the East 250' of the SE/4, NW/4 of Section 35, Township 18 North, Range 12 East, Tulsa County, Oklahoma.

Action Requested:

Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1217-Automotive and Allied Activities) to operate a rental outlet for U-Haul trucks and trailers in a CS District located at 3303 South Yale Avenue.

Presentation:

Dennis Bolden, 5140 South 103rd East Avenue, applied to operate a U-Haul moving center at 3303 South Yale Avenue. Mr. Bolden advised that he has a similar location on East Archer and feels he has improved the appearance of the area. Mr. Bolden stated that the moving center consists of moving equipment, trailers, dollies and all the



necessary equipment to move furniture. He advised that the subject property was previously a service station and the building will be renovated to resemble that of a moving center instead of a service station. All equipment will be stored to the side of the building and the open trailers will be to the front and the larger trucks will be parked in the rear of the building. He advised that to the north is the Git 'N' Go Store, to the west is a small store and businesses and to the east is two residential homes which back to the subject property. To the south is a rental house zoned for apartments. He submitted a plat of survey (Exhibit "R-1") of his proposal.

Mr. Lewis questioned the hours of operation and the proposed parking. Mr. Bolden stated that they are proposing to operate from 7:00 a.m. until 7:00 p.m., six days per week and on Sundays from 9:00 a.m. until 5:00 p.m.. He stated that at the maximum, there will be approximately eight to ten trucks, and fifteen to eighteen trailers of different sizes. Mr. Bolden advised that there is a designed facility on the outside of the building for washing, sweeping and cleaning of the equipment.

Mr. Smith questioned if there will be a sign, if so what size? Mr. Bolden stated that he is proposing a 450 square foot sign and if not permitted, he would construct whatever is permitted by the Board. The sign has constant light and is not flashing. He advised that there is a sign on the property at present but this is only temporary.

Upon questioning by the Board, the applicant submitted an agreement (Exhibit "R-2") granting him permission to remove a chain link fence and all shrubs and trees on the west back side of the property, in order to erect a 7' or 8' wooden privacy fence that would give the property a much nicer appearance.

Mr. Lewis questioned the type screening on the south. The applicant informed of a retaining wall in the back and a chain link fence with trees on the side of the property. Chairman Purser informed of the requirements by law that a fence be placed on the south.

Protests:

Janet Bradley, 3355 South Braden Avenue, representative of the District 6 Planning Team and Highland Park Homeowners, advised that they are not opposing the application but are concerned about a sign that is now obstructing the view. She asked if the sign could be moved farther back. She also questioned, if the requested exception should relocate or sell out, does the property revert back to CS use. The Chairman informed that the exception could be permitted for this business only. Mrs. Bardley also was concerned with the amount of trucks and trailers as well as increasing the intensity of land usage.

Board Action:

On MOTION of SMITH, the Board 4-0 (Lewis, Smith, Walden and Purser "aye"; Jolly "absent") Exception (Section 710 - Principal Uses Permitted in Commercial District Section 1217 - Automotive and Allied Activities) to operate a rental outlet for U-Haul Trucks and trailers as presented, subject to the hours of operation from 7:00 a.m., until 7:00 p.m., 6 days a week and on Sundays from 9:00 a.m. until 5:00 p.m.,

one sign of constant lighting 7' x 12' or 84 square feet in display surface area, to be erected on Yale Avenue and a fence along the east property line, to be agreed to by the 2 abutting property owners to be filed with the Board of Adjustment, and subject to the maximum number of trucks be ten trucks and no more than eighteen trailers, that they not block the view of traffic along Yale or 33rd Street, and that a 7' fence be erected along the south property line, on the following described tract:

Lots 19 and 20, Block 3, Yorkshire Estates Addition to the City of Tulsa, Oklahoma.

9950

Action Requested:

Variance (Section 330 - Bulk and Area Requirements in the Agriculture District - Variance (Section 207 - Street Frontage Required - Under the Provisions of Section 1630 - Minor Variance) of the area requirements in an AG District; and a request for a variance of the street frontage requirements to permit a lot-split (L-14312) located at 91st Street and 89th East Avenue.

Presentation:

The applicant was not present. The Staff advised that the Planning Commission approved the lot-split subject to the approval of the Board. The Staff further added that the applicant is proposing to build a home and added that the acreage and access road have been considered by the Planning Commission.

Protests: none present.

Board Action:

On MOTION of SMITH, the Board 4-0 (Lewis, Smith, Walden and Purser "aye"; Jolly "absent") approved the Variance (Section 330 - Bulk and Area Requirements in the Agriculture District - Variance (Section 207 - Street Frontage Required - Under the Provisions of Section 1630 - Minor Variance) of the area requirements in an AG District; and a request for a variance of the street frontage requirements to permit a lot-split (L-14312) on the following described tract:

The SW/4, NE/4, SW/4 and the N/2, NE/4, SW/4, and SE/4, SE/4, NW/4 of Section 23, Township 18 North, Range 13 East, Tulsa County, LESS and EXCEPT a Tract of land situated in the SE/4, SE/4, NW/4 and the NE/4, NE/4, SW/4 of Section 23, T-18-N, R-13-E, Tulsa County, Oklahoma, being more particularly described as follows, to-wit:

Beginning at a point on the East line of said SE/4, SE/4, NW/4, 88' North of the SE corner thereof; thence South and along the East line of said SE/4, SE/4, NW/4 and said NE/4, NE/4, SW/4 for a distance of 269.44'; thence West for a distance of 293.94'; thence North for a distance of 269.44'; thence East for a distance of 293.94' to the point of beginning, and containing 1-9/11 acres, more or less, and

Less and Except Grantor's interest in and to: A strip of land 1.5 rods wide along the West side of the NE/4 of Section 23, Township 18 North, Range 13 East, Tulsa County, Oklahoma.

Action Requested:

Appeal (Section 1650 - Appeals from the Building Inspector) for refusing to permit the operation of two oil wells without the approval of the Board of Adjustment in an OL, RM-2, RM-1 and RS-3 zoned district located in the 3600 Block of South 33rd West Avenue.

Presentation:

The applicant, Chester Slaven, 1921 West 48th Place, applied to continue the operation of two oil wells on the subject property. Mr. Slaven advised that the oil wells have been in operation for 20 years, but have not operated for a while because of a theft that forced the wells to be closed temporarily. Mr. Slaven further added that he has owned the property for four years and the wells have been out of operation for about one year, but he operated the wells in the past. Mr. Slaven stated that he owns a 40-acre tract and stated that the wells cannot be seen from any neighboring area. He submitted four photos (Exhibit "S-1") and advised that there has been no damage to the trees because of the oil wells. Mr. Slaven admitted that there are spills occasionally but he has always corrected them. He stated that he was asked by the Building Inspector to get a permit.

Upon questioning by the Chairman, Mr. Linker stated that the Board can only grant an exception to permit this type operation outside the City within the AG, IM, and IH Districts.

He stated that if the use ceases for a period of ninety days or more, any subsequent use of the land must conform in all respects to the regulations of the district in which located.

Protests: Five present.

Bob Dooley, 3716 South 32nd West Avenue, advised that he resides approximately 200 yards from the oil well and is opposed to its operation because of the damage he has accrued as a result of the wells. He informed the Board of a 100-year old oak tree that has been killed as a result of the salt water spills from the wells. Mr. Dooley stated that the applicant has been operating the wells without a permit and has been operating them haphazardly. He further added that the roads are not properly equipped for this type operation. Mr. Dooley also stated that the wells are visible in the summer months even when the vegetation is green. He submitted a protest petition (Exhibit "S-2") containing sixteen signatures from area residents protesting the operation. Mr. Dooley stated that the applicant has operated in violation of the Zoning Ordinance and added that the wells were not in operation when he purchased his property three years ago. He stated that the operation has ruined the vegetation because it has not been properly conducted in addition to the operation not being compatible with the neighborhood. He expressed concern with the elementary school in the immediate area and felt it is not compatible with the neighborhood and feels it is only compatible with an oil field type operation.

Pat Dooley, 3716 South 32nd West Avenue, also opposed the operation of the oil wells and advised that it has been slightly over two years since the oil wells were in operation.

9951 (continued)

Board Action:

On MOTION of LEWIS, the Board 4-0 (Lewis, Smith, Walden and Purser "aye"; Jolly "absent") denied the Appeal (Section 1650 - Appeals from the Building Inspector) thereby upholding a decision of the Building Inspector for refusing to permit the operation of two oil wells in an OL, RM-2, RM-1 and RS-3 District on the following described tract:

NE/4, SE/4 of Section 21, Township 19 North, Range 12 East,  
Tulsa County, Oklahoma.

9952

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 4.9' in an RS-2 District located at 3119 East 85th Place.

Presentation:

The applicant was not present. The Staff submitted a plat of survey (Exhibit "T-1") and advised that the house is already built and the reason for the variance is to clear the title.

Protests: None present.

Discussion: Board Member Smith abstained from voting because the plat was prepared by the Company with he is employed, Hammond Engineering Company.

Board Action:

On MOTION of LEWIS, the Board 3-0-1 (Lewis, Walden and Purser "aye"; Smith "abstained"; Jolly "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 4.9' on the following described tract:

Lot 12, Block 5, Walnut Creek V in the City of Tulsa, Oklahoma.

PURSER OUT 6:47 p.m.

9954

Action Requested:

Exception (Section 910 - Principal Uses Permitted in the Industrial Districts - Section 1219 - Hotel, Motel and Recreation Facilities) to operate an archery range in an IL District; and a Variance (Section 930 - Bulk and Area Requirements in Industrial Districts - Under the Provisions of Section 1670 of the setback requirements from 75' to 50' on the south in an IL District located at 9612 East 55th Place.

Presentation:

The applicant A. E. Seikman, was presented by J. Gregg, who advised that they have purchased some property in 5300 Commerce Park and are applying to manufacture archer arrows and bows and arrow aim sites.

Mr. Gregg stated that they made application to build a building and discovered a 75' setback was required on the south and advised that the exception is necessary to build the facility. Mr. Seikman informed that the property is surrounded on three sides by light industrial. To the south would be a 50' buffer between the building and the single-family houses. He added that the additional 25' request is needed for parking on the south and north sides in order to build the type building proposed for their manufacturing operation. Mr. Gregg stated that his request is to include an indoor archery range and indoor target area adding that it would not be detrimental to homeowners because all activities will be confined to the interior of the building. He advised that the hours of operation will be similar to a bowling alley but will primarily afternoons and evenings and the manufacturing portion will be five days per week from 7:30 a.m. until 4:00 p.m.

Mrs. Miller, Building Inspector's Office informed that before construction can begin, a screening fence must be installed along the boundaries of the subject property abutting residential zoning.

Mr. Smith questioned the plans for beverages and Mr. Gregg stated that they will have soft drinks only.

Mr. Smith also questioned if the applicant had a plot plan. Mrs. Miller replied that the applicant does have a plot plan with the proposed setback and requirements after which the Board viewed the plans to determine if access was permitted on 56th Street or Mingo Road. It was determined that no access is permitted on Mingo Road.

Protests: None present.

Board Action:

On MOTION of LEWIS, the Board 3-0 (Lewis, Smith and Walden "aye"; Jolly and Purser "absent") approved the Exception (Section 910 - Principal Uses Permitted in the Industrial Districts - Section 1219 - Hotel, Motel and Recreation Facilities) to operate an archery range (enclosed) in an IL District; and a Variance (Section 930 - Bulk and Area Requirements in Industrial Districts - Under the Provisions of Section 1670) of the setback requirements from 75' to 50' on the south as presented, subject to the plot plan submitted and subject to the conditions that there will not be any access on Mingo Road, and the manufacturing will not exceed five days per week, Monday through Friday from 7:30 a.m. until 4:00 p.m., and the range will not be open later than midnight and that there be no beverages other than soft drinks, that the exterior coloring be earthtone and any outside lighting be directed toward the interior buildings or site, and the uses be limited only to those presented this date, on the following described tract:

Lot 29, Block 1, 5300 Commerce Park Addition to the City of Tulsa, Oklahoma.

9955

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 4.1' on the north and from 5' to 4.4' on the south in an RS-3 District located at 7723 South 70th East Avenue.

Presentation:

The applicant was not present. The Staff submitted a Registered Land Surveyor's Inspection Plan and Certificate for Mortgage Loan Purposes (Exhibit "U-1") and advised that the house is already built.

Protests: None present.

Board Action:

On MOTION of LEWIS, the Board 3-0 (Lewis, Smith and Walden "aye"; Jolly and Purser "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 4.1' on the north and from 5' to 4.4' on the south on the following described tract:

Lot 10, Block 3, Sweetbriar Addition to the City of Tulsa, Okla.

9957

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 30' to permit a lot-split (L-14275) in an RS-1 District located SE of 71st East Avenue and 101st Street.

Presentation:

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

Protests: None present.

Board Action:

On MOTION of WALDEN, the Board 3-0 (Lewis, Smith and Walden "aye"; Jolly and Purser "absent") approved the 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 30' to permit a lot-split (L-14275) on the following described tract:

The South 660' of the W/2 of the E/2 of the NE/4 of the NW/4 of Section 26, Township 18 North, Range 13 East of the Indian Base and Meridian; and the West 50' of the North 660' of the W/2 of the E/2 of the NE/4 of the NW/4 of Section 26, Township 18 North, Range 13 East, of the IBM, Tulsa County, Oklahoma, according to the U. S. Survey thereof.

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Section 1630 - Minor Variance) of the rear yard requirements from 20' to 17' in an RS-3 District located at 7529 South Braden Avenue.

Presentation:

The applicant F. L. Swanson, 11330 "I" East 21st Street, applied for a variance to build an attached garage within 17' of the rear line or a waiver of 3'. He advised that the garage will be built to tie in with the same style as the house. The applicant submitted a plot plan (Exhibit "V-1") showing the proposal.

Protests: None present.

Board Action:

On MOTION of LEWIS, the Board 3-0 (Lewis, Smith and Walden "aye"; Jolly and Purser "absent") approved the Variance (Section 430 - Bulk and Area requirements in Residential Districts - Section 1630 - Minor Variance) of the rear yard requirements from 20' to 17' subject to the plot plan submitted and as presented on the following described tract:

Lot 7, Block 5, Woodcrest Estates Addition to the City of Tulsa, Oklahoma.

OTHER BUSINESS:Setbacks from Streets, Highways, Expressways and Service Roads:

Mr. Linker asked the Board if they could bring the above matter up at the next meeting, because Mr. Jackere had been making a study on the matter and was more familiar with it.

Rescind Previous Action on Case No. 9852:

The Staff advised that Mr. Jackere, Legal Department, requested the Board to rescind the action on Case No. 9852 since the property owner did not give the applicant permission to represent or restrict his property (Exhibit "W-1").

On MOTION of WALDEN, the Board 3-0 (Lewis, Smith and Walden "aye"; Jolly and Purser "absent") rescinded the previous action taken on Case No. 9852 of the approved Exception (Section 168 (g) - Special Exception - Off-Street Parking) and an Exception 250.3 (d) - Modification of the Screening Wall or Fence Requirements) on the following described tract:

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

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

Date Approved \_\_\_\_\_

*Cathy Purser*  
Chairman