

BOARD OF ADJUSTMENT  
MINUTES of Meeting No. 260  
Thursday, May 18, 1978, 1:30 p.m.  
Langenheim Auditorium, City Hall  
Tulsa Civic Center

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

The notice of said meeting and agenda were posted in the Office of the City Auditor, 9th floor, Room 919, City Hall, on May 17, 1978 at 11:05 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 1:55 p.m. and declared a quorum present.

MINUTES:

On MOTION of SMITH, the Board 3-0 (Smith, Walden and Purser "aye"; Jolly and Lewis "absent") approved the Minutes of April 6, 1978 (No. 257) and approved the April 20, 1978 (No. 258) with corrections being that Board Member Smith was available; and Mr. Jones of the Staff did go to the Langenheim Auditorium at 1:30 p.m. on Thursday, April 20, 1978 to notify those that might attend that the meeting had been postponed until May 4, 1978.

UNFINISHED BUSINESS:

9593

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1207 - Duplexes) to erect a duplex in an RS-3 District located on the NW corner of 33rd Street and Peoria Avenue.

Presentation:

The applicant, Floyd Roberts, was not present. The Staff advised that the Board continued the hearing from the last meeting, in order that the applicant could return to the Board with his plans.

Protests:

Marie Arkekita, 1215 East 33rd Street, stated that she is still protesting the duplexes. Mrs. Arkekita added that the duplex is deteriorating on the front portion and is very unpleasant.

Board Action:

On MOTION of WALDEN, the Board 3-0 (Smith, Walden and Purser "aye"; Jolly and Lewis "absent") voted to revoke their approval action and instructed the Building Inspector to take appropriate action on Case No. 9593 since the plot plan was not submitted to the Board for review as required prior to the building permit being issued, the building area requested by the applicant was 1100 square feet per side and

9593 (continued)

1600 square feet was built, the applicant proposed a one-story duplex but built a two-story duplex and the applicant did not provide all names and addresses of all property owners within a 300' radius of the subject property, therefore, proper notification was not given.

Mr. Gardner stated to the Board that they were revoking their previous action since the structure was not built as presented by the applicant, nor did the applicant meet all of the conditions of the Board. Mr. Gardner informed the Board that the applicant could appeal the action of the Building Inspector and either come back to the Board or go to District Court, adding that the applicant has 10 days to appeal the Board's action.

Mr. Jackere of the Legal Department stated that determining appropriate action will take approximately two weeks. He stated that he would consult with the Protective Inspection's Department to discuss the situation and determine what action should be taken.

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 applicant was notified that the case would be heard at today's hearing. The applicant had requested at the last meeting that the application be continued and heard today.

The Chairman questioned when the application could be filed again and the Staff advised that it could be filed again in six months and notices will again be mailed out.

Protests: Approximately 6 present.

Board Action:

On MOTION of SMITH, the Board 3-0 (Smith, Walden and Purser "aye"; Jolly and Lewis "absent") struck application no. 9775 from the agenda.

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 north and west of 25th West Avenue and 121st Street.

Presentation:

The applicant, Bob Enlow, was not present. The Staff informed that the applicant previously presented his case but, the application was continued because that portion of the Code needing a variance for two houses on one lot had not been properly advertised, therefore, the application was continued for readvertising.

5.18.78:260(2)

9929 (continued)

Protests: None present.

Board Action:

On MOTION of SMITH, the Board 3-0 (Smith, Walden and Purser "aye"; Jolly and Lewis "absent") approved the Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1209 - Mobile Home Dwellings) to locate a mobile home on the subject tract for a period of five years on the following described tract:

The N/2 of the West 212' of the East 707' of the SE/4, SW/4 of Section 34, Township 18 North, Range 12 East, Tulsa County, Okla.

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:

T. Louise Williams, P. O. Box 6279, Tulsa, applied to operate a day care center at the subject location because of what she feels is a need based on the number of children in the area. Mrs. Williams stated that she is leasing the space from the Seventh Day Adventist Church and she will operate the facility. She further added that she is proposing thirty-two children and does have ample space for the children. Mrs. Williams informed that her hours of operation will be Monday through Friday, 6:00 a.m. until 7:00 p.m.

Mr. Smith questioned the safety of the loading and unloading of the children. The applicant stated that the total size of the property is ten acres and parents could turn off 43rd Street to load and unload their children. Mr. Smith also questioned the surrounding properties and Mrs. Williams informed that all surrounding properties are business properties.

Protests: None present.

Board Action:

On MOTION of WALDEN, the Board 3-0 (Smith, Walden and Purser "aye"; Jolly and Lewis "absent") approved the Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) to operate a day care center in the existing church building, subject to the applicant utilizing the existing facility only as presented on the following described tract:

The W/2, SE/4, SW/4, SW/4 of Section 7, Township 20 North, Range 13 East, Tulsa County, Oklahoma.

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:

Attorney Roy Hinkle, 600 Copper Oaks Building, representing the applicant, Mr. M. R. Bullock, asked the Board for a continuance of the application until a full Board is present.

Upon questioning by the Chairman, Mr. Hinkle stated that he previously requested a continuance from the last meeting, because of a meeting he had with the protestants to try and resolve the differences, or work out some type of an agreement, but was unable to do so.

Ed Parks, Suite 800, Petroleum Building, 420 South Boulder, representing the protestants, advised that he and the protestants did meet and discuss the matter with Mr. Hinkle and Mr. Bullock, but nothing was resolved. Mr. Parks stated that after the meeting, it was made known to the applicant that they were still protesting the request. He further added that some of the protestants present had taken off their jobs, therefore, they asked that the case be heard today.

The Chairman asked the pleasure of the Board and Mr. Smith stated that he would not like to continue the matter pending a full Board because it has been some time since there was a full Board.

On MOTION of SMITH, the Board 3-0 (Smith, Walden and Purser "aye"; Jolly and Lewis "absent") voted to hear the case at today's meeting.

Mr. Hinkle stated that Mr. Bullock purchased the property at 56th Street and South Quincy Place in July, 1977 for the purpose of using the property for a home and for making minor repairs on automobiles in the existing garage. He has been operating his business since occupancy. He stated that the house is located on an acre of land and at the time of purchase was not in very good condition. Since that time Mr. Bullock has hired an architect to redesign the house and garage. Mr. Hinkle submitted photos (Exhibit "A-1") and added that the house has been partially renovated at a cost of approximately \$20,000 and they have the plans to implement the total construction shown on the rendering. Mr. Hinkle said the income from the business is needed to support Mr. Bullock and his wife and he felt that the proposal will be a considerable improvement to the neighborhood. He added that there is no advertisement, no building or hammering of any type and all work will be done by appointments. Mr. Hinkle stated that in his opinion the majority of the protest resulted from an entrance on Rockford Avenue which they feared would cause increased traffic in the neighborhood. He advised that Mr. Bullock had agreed to change the entrance to 56th Street. Mr. Hinkle stated that the homes in the area range in value and submitted photos (Exhibit "A-2") of other home business operations in the area. He pointed out that Mr. Bullock's business will only be one-half block from the nearest business. One block from Mr. Bullock's

home is a small apartment house and two blocks from his home bordering on Peoria is a large apartment complex. Mr. Hinkle felt that the business would not create any traffic, noise or other problems. He submitted a petition (Exhibit "A-3") with thirty-one signatures of those supporting the proposal and added that Mr. Bullock is willing to accept any reasonable restrictions that might be imposed on the business.

Upon questioning by the Chairman, Mr. Hinkle stated that there will be no wrecker service or any type disturbance that would interfere with the neighborhood. There will be no electrical interference of any type. At present the garage opening is set back quite a distance from Rockford Avenue and there is a stone and chain link fence around the entire property. There is one garage door and the garage building is made of concrete block. There will be no work done on the outside of the building. Mr. Hinkle said they had offered to build a 6' or 8' high screening fence and the protestants would not be able to see anything. Mr. Hinkle displayed the plans of the home after completion and stated that the applicant has paid \$3500.00 for plans and is prepared to live with the plans.

Mr. Smith stated that the view from Rockford is very unsightly and Mr. Hinkle stated that the applicant is proposing to paint the garage the same color as the house and added that Mr. Bullock does have all finances available to complete the structure.

Mr. M. H. Bullock advised that he purchased the property with the intentions of operating the garage but he will not work all the time. He stated that he only does minor tune-ups and he always makes an effort to keep the place clean. Mr. Bullock stated that all work is done by appointment, therefore, there is not a great number of cars parked at any time. He advised that his business will be a one man operation, no signs. Mr. Bullock further added that if he was aware that the area was not zoned for the business, then he would not have purchased the property.

The Board questioned Mr. Bullock, if he had an attorney to examine the title before purchasing the property. Mr. Hinkle replied that he was asked to do a routine title examination but he was not representing the applicant at the time.

Mr. Jackere stated that the Board should be concerned with the type of equipment to be used, the type of minor repairs and where the cars will be stored. The applicant stated that the cars will be kept in the garage which is 30' x 50' and will be completely enclosed in a screening fence.

The Chairman asked the applicant what type jobs are considered minor tune-ups and the applicant stated that it includes spark plugs, wire and carburetor cleaning and brake jobs. Upon further questioning, he stated that he does not plan more than three cars at one time.

Mr. Smith questioned how much square footage will there be after completion? The applicant stated that there will be approximately 3,000 square footage, adding that the house and property values would be approximately \$150,000 after completion.

The Chairman asked the applicant if he was aware of the rules on home occupations and he replied that he was.

Interested Parties:

Jim Greer, 5613 South Quincy Place, informed that he has built a 2300 square foot home and he too does not want the property values to go down and added that Mr. Bullock is considerate about his business. Mr. Greer stated that the noise level is very low, adding that he has been in the applicant's garage. He added that the proposal is an improvement and felt that Mr. Bullock will complete the project as he stated and does not object to the proposal.

Joe Kinyon, 1440 East 55th Place, advised that he is a resident in the area and his back yard extends to 56th Street which adjoins Mr. Bullocks's side yard and has heard no noise and is in his back yard often. He stated that Mr. Bullock has made great improvements and the neighborhood will lose a fine neighbor if they will not allow the business, and he is in favor of the application.

Mr. Jackere questioned Mr. Kinyon as far as traffic is concerned. Mr. Kinyon stated that he has never seen a wrecker truck and no cars go in or out of the gate.

Robert Barr, 5624 South Rockford, added that he resides next door to the applicant with vacant property between he and the applicant, but his property adjoins Mr. Bullock's to the south. Mr. Barr said that the applicant is very quiet and was unaware of him being there until he noticed him renovating the house. He informed that the house was an eyesore before the applicant purchased it. Mr. Barr stated that he does have a hobby which is fixing automobiles and has been in the applicant's garage and there is no noise involved. He added that he was surprised by the issue made of the application. Mr. Barr stated that Mr. Bullock went door to door to explain his proposal and felt it will only improve the neighborhood.

Protests: Approximately 10 present.

Ed Parks, Attorney representing the protestants submitted a protest petition (Exhibit "A-4") with thirty-three signatures opposing the application. He also submitted seven letters (Exhibit "A-5") from residents who had previously signed an approval of the application, but are now requesting to withdraw from the petition, because they felt the proposal was misrepresented. Mr. Parks stated that he went out and viewed the garage and he felt five cars could be stored in the garage. He stated that on his visit he observed an automobile engine on the floor and he did not feel that that represents minor tune-ups. Mr. Parks stated that he and the protestants feared excess traffic would be caused by the business. He stated that Mr. Bullock's negligence in not taking proper action in the checking of the abstract, should not be placed as a burden on the community, and they should not be forced to rectify the mistake. He expressed concern that the children in the neighborhood might be endangered with the excess traffic, therefore, they are protesting an access either from Rockford or 56th Street. Mr. Parks submitted photos (Exhibit "A-6") of the automobiles at the residence and stated that under a home occupation, no

mechanical use which will produce noise, dust, odors or electrical disturbance is permitted. Mr. Parks stated that they are opposing a business in a garage that started out as a carport. Mr. Parks further stated that he felt that the property was purchased to be used as a business and felt that it would not serve as a residence, or home for the applicant, therefore, asked that the Board deny the application.

Harold Rehbein, 5607 South Rockford, advised that he has owned his home for five and one-half years and does oppose the entrance and exit at the subject property because he believes it will cause a congestion at Rockford and 56th Street, and will impose a hazardous condition to the children in the neighborhood. He advised that he felt this type business should not be in a residential neighborhood because it will only open doors to others that purchase homes in the area. He added that they have no way of knowing that the applicant will complete the plans presented and further felt that it will set a precedence in the neighborhood.

The Chairman questioned that if the Board granted the application with conditions that the house be complete in nine months, and that all cars be kept in the enclosed garage, would Mr. Rhebein approve the proposal. Mr. Rehbein replied that no he would not approve the garage because he has seen wreckers parked opposite of his home and does not want this type business in his neighborhood.

The Chairman asked if there were other businesses in the neighborhood. The applicant replied that there were businesses in the area before he moved into the neighborhood. Upon further questioning by the Board, Mr. Rehbein stated that the house would enhance the property.

Walter Cattle, 5637 South Rockford Avenue, advised that he signed the petition approving the application, but later withdrew and submitted a letter of protest. Mr. Cattle stated that there is another business in the area and if this business is allowed, it will further open doors to other businesses. He stated that the subject property was used by the previous owner as a business. He had no objections to that business, but did not know that the property would be used by the new owner as a business.

Granville Horton, 5603 South Rockford Avenue, advised that he resides to the east of the subject property, which is zoned RS-3. He stated that in the beginning, the proposed garage was once a carport and has now turned into a garage and as a resident in the area his home is a big investment and asked that the application be denied.

The Chairman informed of a letter (Exhibit "A-7") withdrawing their names from the petition of approval.

Board Action:

On MOTION of SMITH, the Board 3-0 (Smith, Walden and Purser "aye"; Jolly and Lewis "absent") approved the Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 (2) - Home Occupations) to operate a one-man garage as presented for minor

9944 (continued)

repairs to automobiles, to include automobile tune-ups, and minor repairs only, and no overhauling of engines, valves or transmissions, no body work, no painting, no wrecker services, no advertising signs, and no other employees, that all the rules and regulations of a home occupation be obeyed; and that there must not be more than three appointments per day, that the house be completed as presented in the plans and as approved by the Building Inspector's Office within a nine month period from today (being completed by February 18, 1979), that a fence be constructed around the perimeter, that the entrance be off 56th Street instead of Rockford Avenue and that all vehicles to be worked on by the applicant be in the garage and as presented on the following described tract:

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

Additional Comments:

Mr. Smith requested the Building Inspector's Office make a tour of the neighborhood and note all approved violations of commercial uses in the RS-3 District, site them and have them appear before the Board of Adjustment. Mr. Smith further informed that this application as approved, did not set a precedent in the neighborhood adding that the Board takes each application on its own merits.

NEW APPLICATIONS:

9956

Action Requested:

Variance (Section 330 - Bulk and Area Requirements in the Agriculture District - Under the Provisions of Section 1670) of the frontage requirements from 300' to 166' in an AG District located at 12605 South Elwood Avenue.

Presentation:

The applicant was not present.

The Chair informed that if protestants were present, the application would be heard at the end of the agenda.

9958

Action Requested:

Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1205 - Community Services, Cultural and Recreational Facilities) to use the property for church use and a day care center in an AG District located on the northwest corner of 116th Street North and Highway #169.

Presentation:

Walter Thiessen, Rt. 2, Box 340, Collinsville, representing the Mennonite Brethren Church of Collinsville, applied to build an addition to the sanctuary. Mr. Thiessen advised that he has already built two additions to the Church and submitted a drawing (Exhibit "B-1") showing



9958 (continued)

the present structure and the proposed addition, including the day care center for the future. He also submitted a site plan (Exhibit "B-2") of his proposal.

The Chair informed that if the Board approved the application, the applicant could build only in accordance with the plot plan.

Protests: None present.

Board Action:

On MOTION of SMITH, the Board 3-0 (Smith, Walden and Purser "aye"; Jolly and Lewis "absent") approved the Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1205 - Community Services, Cultural and Recreational Facilities) to use the property for Church use and a day care center, subject to the plot plan submitted and as presented on the following described tract:

The South 153' of the N/2 of the SE/4 of the SE/4 of the SE/4 of Section 6, Township 21 North, Range 14 East, LESS and EXCEPT the West 100' of the East 125' of the South 50' thereof; and

a tract of land in a part of the SE/4 of the SE/4 of Section 6, Township 21 North, Range 14 East, described by metes and bounds as follows:

Beginning at a point on the South line of Section 6, Township 21 North, Range 14 East, 661.46' West of the SE corner of Section 6; thence North  $89^{\circ}-50'-54''$  West along the South line of Section 6, a distance of 191.14'; thence North  $0^{\circ}-06'-26''$  East a distance of 482.23'; thence South  $89^{\circ}-49'-33''$  East a distance of 852.60'; thence South  $0^{\circ}-06'-26''$  West a distance of 53'; thence North  $89^{\circ}-49'-33''$  West a distance of 125'; thence South  $0^{\circ}-06'-26''$  West a distance of 100'; thence North  $89^{\circ}-49'-33''$  West a distance of 536.46'; thence South  $0^{\circ}-06'-26''$  West a distance of 329.16' to the point of beginning and containing 4.15 acres more or less;

and the S/2 of the SE/4 of the SE/4 of the SE/4 of Section 6, Township 21 North, Range 14 East, Tulsa County, Oklahoma.

9959

Action Requested:

Variance (Section 1205.3 (a) (2) - Community Services, Cultural and Recreational Facilities - Use Conditions - Under the Provisions of Section 1670) to permit parking on the required front yard of a church in an RS-3 District located at 7500 East 21st Street.

Presentation:

Dennis Hale, 3857 East 51st Street, representative of the Faith Assenbly of God Church, stated that the Church has grown and is in need of additional parking. Mr. Hale submitted a plot plan (Exhibit "C-1") of his proposal and advised that there is a service road which dead-ends at the Church's property. The proposed parking, if approved, will eliminate the need for parking on the streets. Mr. Hale informed that the service road is a public road but was never completed through the church property.

5.18.78:260(9)

9959 (continued)

Rev. Grady Adcock, Pastor of the Church, stated that across the street are some homes and apartment complexes. He also informed of the service road but was unaware of why it was never completed.

The Chairman questioned the Staff, how often the Board permitted parking on the front. Mr. Gardner stated that the Ordinance encourages parking in the rear or on the side so that the neighboring residential properties will not have to look into a parking lot. The service road was never completed because the subject property was never required to be platted. He further added that the Board should consider landscaping requirements since the parking is in the front yard.

Mr. Hale stated that they plan to beautify the front parking area with shrubs because they too are concerned about the appearance.

Protests: None present.

Board Action:

On MOTION of WALDEN, the Board 3-0 (Smith, Walden and Purser "aye"; Jolly and Lewis "absent") approved the Variance (Section 1205.3 (a) (2) - Community Services, Cultural and Recreational Facilities - Use Conditions - Under the Provisions of Section 1670) to permit parking on the required front yard of the Church as presented per plot plan submitted, with two curb cuts as shown on the plot plan to be approved by the City Engineer, and subject to the applicant planting a shrubbery screen on the west property line beginning at the SW corner of the property and extending north 70', on the following described tract:

All that part of the NW/4 of the NE/4 of Section 14, Township 19 North, Range 13 East of the IBM, in Tulsa County, Oklahoma, according to the United States Government Survey thereof, described as:

Beginning at a point 1,944.2' West of the NE corner of Section 14, Township 19 North, Range 13 East; thence West 170' on the North line of said Section 14, to a point thence South 384.35' to a point; thence East 170' to a point; thence North 384.35' to the point of beginning.

9960

Action Requested:

Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1217 - Automotive and Allied Activities) to permit tire sales and installation; oil change and lubrication; install shocks; minor tune-ups, sell and install brakes, and light brake and mechanical repair in a CS District located at 1445 South Yale Ave.

Presentation:

Bill Puroff, 1445 South Yale, applied to use the subject property for tire sales and installation; oil change and lubrication; install shocks; minor tune-ups, sell and install brakes; and light brake and mechanical repairs. He stated that the building was purchased two months ago and it was previously a service station. He stated that the type work they will be doing is in keeping with a service station. Mr. Puroff stated that they will be doing all repairs on automobiles, but will not pump gas.

5.18.78:260(10)

9960 (continued)

Mr. Smith asked the applicant what he would do with the old tires. The applicant stated that they would be removed from the site on a regular basis.

Board Action:

On MOTION of SMITH, the Board 3-0 (Smith, Walden and Purser "aye"; Jolly and Lewis "absent") approved the Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1217 - Automotive and Allied Activities) to permit tire sales and installation; oil change and lubrication; install shocks; minor tune-ups, sell and install brakes, and light brake mechanical repair as presented on the following described tract:

Lot 5, Block 5, Crowell Heights Second Addition to the City of Tulsa, Oklahoma.

9961

Action Requested:

Exception (Section 910 - Principal Uses Permitted in the Industrial Districts - Section 1225 - Light Manufacturing and Industry- Section 710-Principal Uses Permitted in Commercial Districts - Section 1225) to operate a chrome plating and warehousing operation in a CH and IL District located at 402-408 North Cheyenne Avenue.

Presentation:

The applicant, William Taber, was not present but requested a continuance until the next scheduled meeting.

Protests: None present.

Board Action:

On MOTION of SMITH, the Board 3-0 (Smith, Walden and Purser "aye"; Jolly and Lewis "absent") continued application #9961 until May 25, 1978, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

9962

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 2704 East 151st Street.

Presentation:

Kenneth Jones, 2704 East 104th Street South, applied to locate a mobile home on his property advising that he owns ten acres and has recently purchased a mobile home and would like to reside there until he builds his home. Mr. Jones stated that he has already obtained his plans and has cleared the property, and will start construction around June 1, 1978. The mobile home will setback 300' from the property line. He also informed the Board of two other mobile homes that can be seen from the Selman residence.

The Chairman asked how soon he planned to finish the house. The applicant stated that he plans to finish the house in October of this year.

9962 (continued)

Protests:

Attorney Kenneth Cod, 1325 South Main Street, representing Mr. Selman, advised that they have no objections if the applicant plans to start construction within six months, and if the mobile home would not be located there very long. Mr. Cod stated that his client would like the mobile home gone within a year.

Board Action:

On MOTION of SMITH, the Board 3-0 (Smith, Walden and Purser "aye"; Jolly and Lewis "absent") approved the Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1209 - Mobile Homes) to locate a mobile home as presented, and for a period of two years or until the house is completed whichever occurs first, on the following described tract:

The W/2, E/2, NW/4, NE/4 of Section 20, Township 17 North, Range 13 East, Tulsa County, Oklahoma.

9963

Action Requested:

Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1225 - Light Manufacturing and Industry) to repair valves and store new and used valves in a CH District located southwest of 7th Street and Nogales Avenue.

Presentation:

H. G. Dickinson, 222 South Olympia Avenue, advised that he is semi-retired. I have been repairing industrial valves for additional income and I need additional space in which to work. I was told that CH heavy commercial zoning would permit warehousing, but not manufacturing. Mr. Dickinson further informed that the valves are manually overhauled and there is no heavy equipment involved. If heavy machinery is needed, then the valves are sent out to a shop with the necessary equipment.

Mr. Smith questioned the surroundings to the west of the subject property and Mr. Dickinson stated that there are residences to the west which back to his property.

Protests: None present.

Board Action:

On MOTION of SMITH, the Board 3-0 (Smith, Walden and Purser "aye"; Jolly and Lewis "absent") approved the Exception (Section 710 - Principal Uses Permitted in the Commercial Districts - Section 1225 - Light Manufacturing and Industry) to repair valves and store new and used valves as presented on the following described tract:

Lots 1, 2, and 3, Block 3, Mitchell Crosbie Addition to the City of Tulsa, Oklahoma.

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670) of the setback requirements on a corner lot from 25' to 24'-6" in an RS-3 District located at 6706 East 99th Street.

Presentation:

The applicant was not present. The Staff submitted a Registered Land Surveyor's Inspection Plat and Certificate for Mortgage Loan purposes (Exhibit "D-1") and advised that the property is on a corner lot.

Protests: None present.

Board Action:

On MOTION of SMITH, the Board 3-0 (Smith, Walden and Purser "aye"; Jolly and Lewis "absent") approved the Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670) of the setback requirements on a corner lot from 25' to 24'-6" on the following described tract:

Lot 1, Block 2, James Place Addition to the City of Tulsa, Tulsa County, Oklahoma.

Action Requested:

Variance (Section 1205.4 - Community Services, Cultural and Recreational Facilities - Off-Street Parking Requirements - Section 1214.4 - Shopping and Goods and Services - Parking Requirements - Under the Provisions of Section 1670) of the parking space requirements in a CS District, and an Exception (Section 250.3 (b) (d) - Modification of the Screening Wall or Fence Requirements) of the screening requirements on the north, south and west in a CS District located on the southwest corner of 62nd Street and Sheridan Road.

Presentation:

Tom Birmingham, 410 Beacon Building, representing the owner of the subject property, applied for a variance of the parking requirements for a family recreation and health facility and shopping area. He advised that across the street is the Shadow Mountain Inn Restaurant, to the west is multifamily zoning and to the south is a solid concrete retaining wall that will act as a screening fence and asked that the screening requirements in the CS and RM-2 Districts be waived. Mr. Birmingham stated that the building will consist of approximately 12,000 square feet, with ten racquet ball courts. He added that because of the narrowness of the lot, due to the location of the retaining wall, he is requesting that the required parking be waived to 65 cars. The club will be private and members must join by paying an annual membership fee and obtaining a membership card. He added that the club will consist of a body building salon with various exercising machines.

Mr. Smith questioned if there would be a snack bar of any type or if there would be drinks served. Mr. Birmingham stated that there may possibly be a vending machine or a health food type restaurant, but will be no alcoholic beverages.

9965 (continued)

Mr. Gardner stated that the applicant has demonstrated a substantial hardship for the variance to remove the screening, but he is asking for almost half of what the Ordinance requires for parking. The Board should be assured by the applicant that the parking will be adequate. The Chairman stated that she too was concerned with the requested parking being sufficient.

Protests: None present.

Board Action:

On MOTION of SMITH, the Board 3-0 (Smith, Walden and Purser "aye"; Jolly and Lewis "absent") continued application #9965 until Thursday, June 1, 1978, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

9967

Action Requested:

Exception (Section 610 - Principal Uses Permitted in the Office Districts - Section 640 (2) - Special Exception Uses in Office Districts, Requirements) to permit apartments in an OL District; and a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670) of the rear yard requirements from 20' to 10'; and a Variance (Section 207 - Street Frontage Required - Under the Provisions of Section 1670) of the frontage requirements to a public street in an OL District located at 6602 East 30th Street.

Presentation:

Tom McCaslin, 6602 East 30th Street, Real Estate Agent, advised that he has applied for an exception to build a fourplex. He stated that a variance in the rear yard from 20' to 10' is required and a variance of the frontage requirements to a public street. The applicant submitted a sketch (Exhibit "E-1") of the proposal, as well as a rendering (Exhibit "E-2") showing the proposed driveway. Mr. McCaslin stated that he is proposing a one-story fourplex. Each unit will have two bedrooms and two baths. The structure is valued at approximately \$125,000. He further added that he resides in the neighborhood and has been there for seventeen years. Before he purchased the subject property, it served as a trash area as well as a path for motorcyclists and pedestrians to get to the shopping center. He informed that there are apartments in the area of 31st Street and 66th East Place. Mr. McCaslin felt that the units will not affect the traffic in the neighborhood and could only make an improvement. He added that the variance is being requested because he prefers to place the building as close to the parking lot as possible and away from other single-family properties. Mr. McCaslin further informed that he felt the lot is suitable for a fourplex.

Mr. Smith expressed concern with the driveway being too narrow and felt it would be an inconvenience for two occupants to try and exit at the same time. Mr. McCaslin stated that he could widen the driveway.

Protests:

John D. Clark, 2925 South 66th East Avenue, advised that there are three driveways going together on one lot. Mr. Clark submitted two photos (Exhibit "E-3") showing the parked cars. He further advised that they are fearing flooding with the use of the additional concrete for the driveway. Mr. Clark stated that there is only 16' from the edge of the

9967 (continued)

applicant's house to the property line. Mr. Clark also submitted a petition (Exhibit "E-4") asking the Board to deny the application.

Kathleen Moore, 2920 South 66th East Avenue, advised that she owns three lots north of the subject property and does object to the three driveways close together. She added that the lot is vacant and all lots were built on except the subject lot.

Mr. Smith advised that he still objected to the driveway as far as entering and exiting is concerned. He questioned having four units as opposed to two units. Mr. Smith stated that he would like to postpone action in order to work out something about the driveway. Mr. Smith suggested that the applicant consult with the Traffic Engineering Department concerning the ingress and egress to the units.

Board Action:

On MOTION of SMITH, the Board 3-0 (Smith, Walden and Purser "aye"; Jolly and Lewis "absent") continued application 9967 to Thursday, June 1, 1978, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

At this point in the meeting, Board Member Walden became ill and there was no longer a quorum; therefore, the Chairman declared the following applications would be heard on May 25, 1978:

- 9968 - Donna Pitts - Part of Lot 4, Section 30, Township 20 North, Range 14 East - 1575 North Mingo Road. (633)
- 9970 - Red Fork Baptist Church - Part of Blocks 38 and 39, Red Fork Addition - 2821 West 40th Street. (254)
- 9971 - Gail R. Williams - Lots 10, 11 and 12, Block 4, Utica Addition - SW of Oklahoma Place and Troost Avenue. (117)
- 9972 - Theodore Sack - Part of Blocks 1 and 2, Deer Hollow Estates - East of Sheridan Road on 79th Street. (1417)
- 9973 - Jerry McArtor - Lot 1, Block 1, Walnut Creek V Addition - 3107 East 84th Street. (1577)
- 9974 - Wayne Cozort - Part of Blocks 1 and 2, Sheridan Valley Addition - SE of 77th Street and Sheridan Road. (1270)
- 9975 - Charles Norman - Lot 2, Block 1, Towne Centre II Addition - 107th East Avenue and 41st Street. (0)
- 9976 - Dennis Crayton - Lot 13, Block 13, Lynch Forsythe Addition - NE of 2nd Street and Peoria Avenue. (24)
- 9977 - Tuloma Home Service - Lot 13, Block 7, Western Village Addition - 11306 East 6th Street. (856)

9978 - Dovie Wooten - Lot 10, Block 2, Grimes Heights - 1436 East 56th Street  
North. (1074)

9979 - Lewis Smith - Lot 1, Block 4, Sunrise Terrace Addition - 1501-1503  
South Knoxville Avenue. (88)

9980 - Margaret Brashear - NW/4, NE/4, SW/4, Section 29, Township 21 North,  
Range 13 East - NE of 80th Street North and Mingo Valley  
Expressway. (0)

9981 - George Hanks - Lots 1, 2, 9 and 10, Block 1, Tracy Lane Addition -  
NW of 19th Street and 89th East Avenue. (454)

9982 - Kenneth Jones - NE/4, SE/4, Section 34, Township 18 North, Range 12  
East - 1929 West 118th Street. (0)

9983 - William Stafa, Jr. - Lot 7, Block 6, Walnut Creek V - SE corner of 85th  
Place and Florence Avenue. (1577)

9984 - Alfred Hartshorne - Part of the NW/4, NW/4, Section 33, Township 21  
North, Range 13 East - 3630 East 76th Street North. (0)

9985 - Roy Johnsen - Part of Block 7, Happy Homes Addition - 2404 North  
Sheridan Road. (226)

9988 - Jimmie Lloyd - Part of Lots 1 and 3, Interchange Center Addition -  
3130 South Memorial Drive. (377)

9997 - Vo Tech School District No. 18 - S/2, SE/4, NE/4, Section 23, Township 19  
North, Range 13 East - 3420 South Memorial Drive.

#### OTHER BUSINESS

Communication concerning Case No. 9771.

Plans in Case No. 9937.

Setbacks from streets, highways, expressways and service roads.

There being no further business, the Chair declared the meeting adjourned at  
6:35 p.m.

Date Approved

*July 20, 1978*  
*June 1, 1978*  
*Harry Purser*  
Chairman