

BOARD OF ADJUSTMENT
MINUTES of Meeting No. 264
Thursday, July 6, 1978, 1:30 p.m.
Langenheimer Auditorium, City Hall
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Smith	Lewis	Edwards	Russell Linker, Legal
Jolly		Gardner	Department
Walden		Jones	Dortha Bates, Building
Purser, Chairman		C. Howell	Inspector's Office

The notice and agenda of said meeting were posted in the Office of the City Auditor, Room 919, on Wednesday, July 5, 1978, at 10:45 a.m., as well as in the Reception Area of the TMAPC Offices.

Chairman Purser called the meeting to order at 1:40 p.m. and declared a quorum present.

UNFINISHED BUSINESS:

9983

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 30' to 15' in an RS-2 District, located at the SE corner of Florence Avenue and 85th Place.

Presentation:

Applicant was not present. Staff member Jones advised the Board that the applicant has been informed by letter that action would be taken today.

Protests: None.

Board Action:

On MOTION of JOLLY, the Board 4-0 (Smith, Jolly, Walden and Purser voting "aye"; Lewis "absent") approved 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 30' to 20' in an RS-2 District, on the following described tract:

Lot 6, Block 7, Walnut Creek V Addition to the City of Tulsa, Oklahoma.

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) to use property for educational purposes and related off-street parking; and a Variance (Section 1205.4 - Off-Street Parking and Loading Requirements - Under the Provisions of Section 1670) from requirements of parking spaces on the same lot as the use in an RS-3 and RM-2 District located between 4th Place and 11th Street, and Evanston and Harvard Avenues.

Presentation:

Prior to the applicant's presentation, Staff member Jones advised the Board that he received a call from Mrs. Winstead of the Kendallview Organization and Vision 2000. She stated that they do not have any objection.

Mr. Donald Detrich, attorney for the applicant, advised that the reasons and basis for this request is that the university does not have the power of eminent domain and therefore, parking areas are acquired and constructed as space becomes available. Mr. Tenny of the University of Tulsa advised that he met with the Kendallview Neighborhood Association on June 15th, 1978. He explained the long-range plans of TU's parking facilities upon their acquiring the entire 25 lots as discussed at the last Board of Adjustment Meeting.

Upon questioning by the Board, Mr. Tenny replied that there are two lots that will be added to parking on the south side of the campus, one lot on the corner of 8th Street and Evanston Avenue and one lot across from the main entrance to the stadium on Florence. These are the only parking lots planned of this group of lots under application. Upon further questioning by the Board, Mr. Tenny stated that a new engineering complex may be built if the money can be raised. This will require additional parking. However, ten million dollars must be raised to build this complex and until it is raised there is no additional parking lots planned in this area. Mr. Tenny stated that 14 of the lots will be landscaped, 2 will be parking lots, and 9 will remain as rental houses. Mr. Tenny further stated that the entire Harvard frontage is to be landscaped and the majority of these lots under application are on the Harvard frontage. The current parking lots which are located in building expansion areas will be torn up and will be relocated to service the new buildings better; however, this will not happen for many years. Upon questioning by the Board, Mr. Tenny stated that the only two lots that will be used for parking at this time are located at 803 South Evanston, Lot 12, Block 24, College Addition; and 814 South Florence, Lot 4, Block 23, College Addition.

Protests:

Dr. Sandor Kovacs residing at 3235 East 8th Street, Chairman of the Kendallview Neighborhood Association, stated that their main objections at the last Board meeting were adequately resolved by Mr. Tenny today.

Mr. Noel Radican, 836 South Gary Place, advised the Board that the address - 823 South Gary Place, shown in the Legal News was in error, there is no 823 South Gary Place owned by the University of Tulsa. In answer to Mr. Radican's question, Mr. Tenny stated the visitors of the Heritage Historical Building will be permitted to park in the LaFortune lot. Mr. Tenny further stated that the zoning for the two blocks between Harvard and the Stadium on the SE corner will remain in their current status.

Irene Bradshaw residing at 3230 East 4th Street, asked for a clarification of the number one listing in the Legal News as to what the Plans are. Mrs. Bradshaw further stated that she challenges the authority of Mrs. Winstead when she speaks on the behalf of Vision 2000 and the Kendallview Organization. She questioned her authority on speaking for these two groups.

Board Action and Discussion:

Mr. Jolly stated that if Mr. Tenny's long-range plan differs in the future from what was presented to the Board, he would have to come back before this Board to get it changed. Chairman Purser asked that a copy of Mr. Tenny's concept plan be put in the file (Exhibit "A-1").

On MOTION of JOLLY, the Board 4-0 (Smith, Jolly, Walden, and Purser voting "aye"; Lewis "absent") to approve an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) to use property for educational purposes and related off-street parking; and a Variance (Section 1205.4 - Off-Street Parking and Loading Requirements - Under the Provisions of Section 1670) from requirements of parking spaces on the same lot as the use in an RS-3 and RM-2 District. The two lots previously named are the lots approved for off-street parking (Lot 4, Block 23, and Lot 12, Block 24, College Addition to Tulsa, Ok.).

NEW APPLICATIONS:

10015

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 parking; Exception (Section 250.3 (d) - Modification of the Screening Wall or Fence Requirements) to remove the screening requirement where the purpose of the screening cannot be achieved; and a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670) of the setback requirements from 35' to 24' or 49' from the center-line of the street; and a Variance (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) of the on-site parking requirements in an RS-1 District, located NE of 9th Street and Memorial Drive and SE of 9th Street and 83rd East Avenue.

Presentation:

Prior to the applicant's presentation, Staff member Jones presented three letters of protest to the Board (Exhibit "B-1").

David Weaver residing at 4325 East 51st Street presented the Case. Mr. Weaver presented a plot plan (Exhibit "B-2") and location map (Exhibit "B-3"). He stated the first requirement they are asking for is a waiver of the building setback requirement from 9th Street. They need an additional 11' to build their auditorium. Their second request is for approval of off-street, off-site parking. At the present time the Zoning Code requires one parking space for each 40 sq. ft. of sanctuary area. There is approximately 1,300 sq. ft. of sanctuary space in the proposed auditorium which would mean a requirement of 325 parking spaces. He stated at the present they have 269 parking spaces, however they are proposing an additional 123 spaces on the property they purchased to the south and east. Mr. Weaver advised the Board that he received a letter (Exhibit "B-4") from Snow Appliances & TV's giving the church permission to use their parking facilities on Sunday mornings. This would allow the church an additional 100 parking spaces. The third waiver requested is on the screening requirements on the new property purchased for additional parking. Mr. Weaver stated that the church purchased the south half of a lot owned by Mr. Walmer. Mr. Walmer has requested that a chain-link fence be put in for better light and air rather than a screening fence. Mr. Weaver presented a slide presentation pointing out the subject property and surrounding area. He advised the Board that he visited with the Hydrologist of the City Engineer's Department in regards to any drainage problems they may have with the surrounding property. It is not large enough to create a serious drainage problem, however, he stated the church would be willing to put an asphalt curb on the south side of the property on 83rd Street to act as an additional detention of runoff water. Upon questioning by the Board, Mr. Weaver stated that the buses would be moved to the newly acquired property. He further stated that sometime in the future they would like to build some type of light bus maintenance facility on the back of the 83rd Street property and move the gasoline tank to the new lot. Upon further questioning by the Board, Mr. Weaver stated they are proposing that all three sides of the new lot be chain-link with vegetation.

Protests:

Mrs. John Erickson, 707 South Memorial Drive, submitted a location map (Exhibit "B-5"). She stated that the present church property has a number of buses on it. She also felt there was a discrepancy as to when the gasoline storage tank and two metal buildings were installed. The records show that they were installed in 1969, however she felt it was after 1972. She also felt that the noise was a problem to the neighborhood. Mrs. Erickson felt that the church should provide screening.

Paula Carter, 8318 East 7th Street, stated that she and her husband oppose the parking lot for three reasons: (1) The deterioration of the appearance of the neighborhood; (2) water problems -- (submitted an enlargement taken from the USGS topographic map of Tulsa County (Exhibit "B-6")); the proposed parking lot and the proposed addition to the church are right on the edge of the potential floodplain outline; and (3) traffic.

Mr. Ralph Miller, 8301 East 11th Street, stated that most of her reasons for protesting the parking lot had been covered. She did state however, that this area does have a water problem and that her yard

often floods. She further stated that the streets are in very bad shape in this area.

Jack Postelwait, 8348 East 7th Street, concurred with the other protestant's points and added that the setbacks should not be changed.

Roy Horton, 8143 East 7th Street, stated that he would prefer a chain-link fence and vegetation, rather than a solid fence, and that he did not approve the changing the setback requirements.

Mrs. Ralph Miller, 8301 East 11th Street, stated that if the curb is built, she does not want the fence and vegetation on their side of the property taken out.

Mr. Erickson, 707 South Memorial Drive, stated that she called the Fire Marshall's Office to see when the gasoline storage tank had been inspected. February 20, 1975 was the first time this had been inspected.

Robert Gardner, 1928 South College Avenue, TMAPC Staff, stated that Mrs. Erickson owns a piece of property that joins the church's northwest corner boundary. Her property is zoned OL office which permits an office building; there is no requirement to screen the church from an office property. The requirement is that the office must screen from the church property which is zoned residential. Mr. Gardner further stated that he was quoted as saying the gasoline was approved in 1969, but his statement was that the church was approved prior to 1970. The Board approved an application in 1962 for church and related purposes, there was no specific plot plan required at that time and anything considered accessory or church related could be built on that piece of property. Furthermore, when the gasoline storage tank was put on the property the Building Inspections Department was consulted, the requirement at that particular time was for the Fire Marshall's approval only; this was obtained.

Board Action and Discussion:

Upon questioning by the Board, Mr. Weaver stated that the direction of flow from runoff would not be changed and if the rate of drainage is changed, it will only be slowed down. Upon further questioning by the Board, Mr. Weaver stated they were not building a retention pond, but a curb that will retain water.

Paula Carter, 8318 East 7th Street, stated that she understood that the church is also negotiating with Mr. Taylor who owns a piece of property on the southwest corner of 9th and 83rd. She asked what plans the church has for this property. Mr. Gardner stated that the church is not in the negotiating stage. Mr. Taylor approached the church about selling his property.

On MOTION of SMITH, the Board 4-0 (Smith, Jolly, Walden and Purser voting "aye"; Lewis "absent") approved an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) to use property for church use and parking (gasoline storage & light maintenance building) as presented, per plot plan; and an Exception (Section 250.3 (d) - Modification of the Screening Wall or Fence Requirements)

10015 (continued)

to waive the screening requirements on the proposed new parking facility from solid to a living type screen with vegetation making sure there is no encroachment upon abutting properties and no vegetation is removed from Mrs. Miller's property; and a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670) of the setback requirements per plot plan submitted, with the building setback waivers from 35' to 24' or 49' from the center-line of 9th Street; and a Variance (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) of the on-site parking requirements, subject to the City Engineer reviewing the plans for detention on the parking lot and that the City Engineer sign the plan for that facility, in an RS-1 District on the following described tract:

The S/2 of Lot 4, Block 4; the W/2 of Lot 1; and all of Lots 2 and 3, Block 6; all in Clarland Acres Addition to the City of Tulsa, Oklahoma.

10019

Action Requested:

Variance (Section 330 - Bulk and Area Requirements in the Agriculture Districts - Under the Provisions of Section 1630 - Minor Variances) of the frontage and area requirements in an AG District to permit a lot-split located at 815 Long Street in Sand Springs.

Presentation:

The applicant was not present. Staff member Jones stated that the Planning Commission approved a lot-split on June 21, 1978 subject to the approval of the Board.

Board Action:

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

Lots 15 and 16, Block 2, Hall's Garden Addition to Sand Springs, Oklahoma.

10020

Action Requested:

Exception (Section 610 - Principal Uses Permitted in the Office Districts - Section 1208 - Multifamily Dwelling and Similar Uses) to permit townhouse use in an OL District; and a Variance (Section 640 - Special Exception Uses in Office Districts, Requirements - Under the Provisions of Section 1670) of the setback requirements on a corner lot from 25' to 10' in an OL District located SW of 17th Street and Cheyenne Avenue.

Presentation:

John Boyd, Attorney for the applicant, advised the Board that one of the protestants present, Mr. Lowenhertz, 1723 South Carson Avenue, has indicated that he has not received notice.

10020 (continued)

Mr. Linker of the Legal Department advised the Board that in the past if people appeared for the meeting it is felt that they receive sufficient notice even though they did not receive notice by mail. Staff member Jones stated that his name appeared on the mailing list, but they could not obtain a mailing address for him. Mr. Boyd stated that in view of this, he would prefer to have this matter put off until proper notice is sent out.

Board Action:

On MOTION of SMITH, the Board 4-0 (Smith, Jolly, Walden and Purser voting "aye"; Lewis "absent") moved continuance of this item to July 20, 1978.

10021

Action Requested:

Exception (Section 310 - Principal Uses Permitted in the Agriculture Districts - Section 1209 - Mobile Homes) to locate a mobile home in an AG District located at 12850 East 116th Street North.

Presentation:

Staff member Jones advised the Board that he received a letter (Exhibit "C-1") from the Chairman of the Owasso Board of Adjustment requesting that the Board continue this case until July 20, 1978. They would like to look into this matter.

Protests: None.

Board Action:

On MOTION of SMITH, the Board 4-0 (Smith, Jolly, Walden and Purser voting "aye"; Lewis "absent") moved continuance to July 20, 1978 and suggested that the applicant, Wallace Blackwell, contact Mac Borgna, Chairman of the Owasso Board of Adjustment. Staff member Jones stated also that there was a technical error in the notice on the Staff's part and it would have to be readvertised at our expense.

10022

Action Requested:

Exception (Section 310 - Principal Uses Permitted in the Agriculture Districts - Section 1202 - Area-Wide Special Exception Uses) to operate a horticultural nursery and erect a 25' x 40' pole barn in an AG District located at 8700 South 177th East Avenue.

Presentation:

Ron Holman, the applicant, advised that property to the north, south and east is zoned commercial; and the property to the west is in the City Limits of Broken Arrow and zoned for single-family residential and apartments.

Upon questioning by the Board, the applicant stated the proposed barn will be erected between Lynn Lane roadway and the Rodeo Arena on the subject property that is leased by the Broken Arrow Roundup Club. Upon questioning from the Chair, the plants will be shipped in and retailed to the public.

10022 (continued)

Protests: None.

Mr. Gardner, TMAPC Staff, noted that the applicant didn't mention if he intended to have a sign for the horticultural nursery. Upon questioning by the Board, the applicant advised the of the overall size of the proposed sign; no lighting is required.

Board Action and Discussion:

On MOTION of SMITH, the Board 4-0 (Smith, Jolly, Walden and Purser voting "aye"; Lewis "absent") approved an Exception (Section 310 - Principal Uses Permitted in the Agriculture Districts - Section 1202 - Area-Wide Special Exception Uses) to operate a horticultural nursery as presented, erect a 25' to 40' pole barn and permit an 8' x 2' sign, unlighted, 6' high in an AG District on the following described tract:

A tract of land located in the N/2, N/2, SW/4, Section 13, Township 18 North, Range 14 East of the IBM, Tulsa County, Oklahoma, described by metes and bounds as follows: Beginning at a point 237.05' North of the SW corner of the N/2, N/2, SW/4 on the East line thereof; thence East 513.56' to a point; thence South 212.07' parallel to the West line of the N/2, N/2, SW/4 to a point 25' North of the South line of the N/2, N/2, SW/4; thence West 368.56' parallel to the South line of the N/2, N/2, SW/4 to a point; thence North 95' parallel to the West line of the N/2, N/2, SW/4 to a point; thence West 145' parallel to the South line of the N/2, N/2, SW/4 to a point on the West line of the N/2, N/2, SW/4; thence North 117.05' along the West line of the N/2, N/2, SW/4 to the point of beginning.

10023

Action Requested:

Variance (Section 630 - Bulk and Area Requirements in the Office Districts - Under the Provisions of Section 1670) of the setback requirements to permit a ten-story office building 170' from the north boundary and 90' from the east boundary, in an OM and CS District located NE of 41st Street and Hudson Avenue.

Presentation:

Charles Norman, Attorney representing the applicant, Service Corp., of Tulsa, which is a wholly owned subsidiary of Mid America Savings & Loan Association, advised they are planning to purchase an 8.6-acre tract from the Catholic Diocese of Tulsa which is presently a part of the Bishop Kelly Campus at the subject location. Mr. Norman submitted an aerial photo of the proposed site plan (Exhibit "D-1") and pointed out the subject property has 700' of frontage on 41st Street, 600+' on Hudson, and is in an elongated "L" shape on the north boundary. He stated the applicant plans to build a 10-story office building with a maximum height of 150' above the finished grade. Mr. Norman advised the area immediately north of the subject property is the Bishop Kelly parking lot which accommodates 150-180 cars; the subject property abuts an RS zoned property to the east which contains the high school. Mr. Norman stated that by permitting the proposed building to be located more in the center, the property would not obstruct the planned major entrance from 41st Street. Since the property is not used for residential purposes, the setback requirement is not appropriate. He also stated there are other buildings of similar heights in the neighborhood.

10023 (continued)

Board Action and Discussion:

Upon questioning by the Board, Mr. Norman advised the Bishop Kelly gymnasium is located NE of the corner of the proposed office building and to the east is the Skyline Office Building and Sheraton Building, and at 41st and Darlington is the Financial Center. Also upon questioning by the Board, Mr. Norman stated the applicant has agreed to spend up to \$50,000 in traffic improvements for the access off-ramp from Skelly and from Hudson.

On MOTION of JOLLY, the Board 4-0 (Smith, Jolly, Walden, and Purser voting "aye"; Lewis "absent") approved a Variance (Section 630 - Bulk and Area Requirements in the Office Districts - Under the Provisions of Section 1670) of the setback requirements to permit a 10-story office building 170' from the north boundary and 90' from the east boundary as presented and per plot plan submitted, in an OM and CS District on the following described tract:

A tract of land situated in the City of Tulsa, Tulsa County, Oklahoma, described as follows, to-wit:

All that part of the SW/4, SE/4, Section 22, Township 19 North, Range 13 East of the IBM, Tulsa, Tulsa County, Oklahoma, according to the Official Government Survey thereof; more particularly described as follows, to-wit:

Beginning at a point in the South boundary of said SW/4, SE/4, 85' from the SW corner thereof; thence North 0°-32'-11" West parallel to and 85' from the West boundary of said SW/4, SE/4 a distance of 624.75'; thence North 89°-27'-00" East parallel to the South boundary of said SW/4, SE/4 a distance of 300'; thence South 0°-32'-11" East parallel to the West boundary of said SW/4, SE/4 a distance of 150'; thence North 89°-27'-00" East parallel to the South boundary of said SW/4, SE/4 a distance of 400'; thence South 0°-32'-11" East parallel to the West boundary of said SW/4, SE/4 a distance of 474.75' to a point in the South boundary of said SW/4, SE/4; thence South 89°-27'-00" West along the South boundary of said SW/4, SE/4 a distance of 700' to the point of beginning, containing 377,325 square feet or 8.66219 acres.

10024

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670) of the setback requirements on corner lots from 25' to 15', in an RS-3 District located north and east of 68th East Avenue and 101st Street.

Presentation: Applicant was not present.

Protests: None.

Board Action:

On MOTION of JOLLY, the Board 4-0 (Smith, Jolly, Walden and Purser voting "aye"; Lewis "absent") moved continuance to July 20, 1978.

10025

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 (6) - Mobile Homes) to locate a mobile home in an RS-3 District located at 6517 North Trenton Avenue.

Presentation:

Helen Pigeon, the applicant, advised they live in two adjoining mobile homes. Upon questioning by the Chair, the applicant stated there is another mobile home in the area located behind the subject property. Upon questioning by the Staff, the two mobile homes, 14' x 70' and 12' x 60' are joined by a hallway; are not on a permanent foundation, however, a permanent foundation is planned for the future.

Protests: None.

Board Action:

On MOTION of SMITH, the Board 4-0 (Smith, Jolly, Walden and Purser voting "aye"; Lewis "absent") approved an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 (6) - Mobile Homes) to locate a mobile home for a period of one year with removal bond required, in an RS-3 District on the following described tract:

Lot 5, Block 4, Phillips Farms Addition to the City of Tulsa, Oklahoma.

10026

Action Requested:

Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1205 - Community Services, Cultural and Recreational Facilities) to use property for church use and related uses in an AG District located in the 9200 Block of East 61st Street.

Presentation:

Robert Beason advised that per Plot Plan submitted (Exhibit "E-1"), the applicant, Woodland Hills Church of Christ, plans to erect a 5500 sq. ft. building, 2,680 sq. ft. of which will be a sanctuary. The plans also call for a parking lot of 100 spaces--no plans for buses or bus parking lots. Upon questioning from the Board, Mr. Beason advised the Church understands it is the responsibility of the Church to screen to the north and east, between the subject property and adjoining residential property.

Protests: None.

Board Action:

On MOTION of WALDEN, the Board 4-0 (Smith, Jolly, Walden and Purser voting "aye"; Lewis "absent") approved an 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 related uses per plot plan submitted, in an AG district on the following described tract:

A tract of land beginning at the SE corner of the SW/4, SE/4 of Section 36, Township 19 North, Range 13 East of the IBM, Tulsa County, Oklahoma, according to the U. S. Government Survey thereof; thence North 209'; thence West 522'; thence South 209'; thence East 522' to the point of beginning.

10028

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670) of the side yard requirements from 5' to 1' in an RS-3 District located at 621 South Harvard Avenue.

Presentation:

Mrs. W. G. Richardson, the applicant, advised she plans to build a new garage per Plot Plan submitted (Exhibit "F-1") with longer and wider dimension than the existing structure; to be placed on the existing foundation. She pointed out that to the north of subject property is a commercial building.

Protests: None.

Board Action:

On MOTION of SMITH, the Board 4-0 (Smith, Jolly, Walden, and Purser voting "aye"; Lewis "absent") approved a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670) of the side yard requirements from 5' to 1' per plot plan submitted in an RS-3 District, on the following described tract:

Lot 10, Block 1, Acme Farm Addition to the City of Tulsa, Okla.

10029

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 (6) - Mobile Homes) to maintain a mobile home in an RS-2 District located at 1033 Ridge Drive, Sand Springs, Oklahoma.

Presentation:

Stanley Campbell, the applicant, advised that his mother-in-law resides in the 14' x 65' mobile home located on the back of the subject property, and requested that his permit be renewed for one year.

Protests: None.

Board Action:

On MOTION of SMITH, the Board 4-0 (Smith, Jolly, Walden, and Purser voting "aye"; Lewis "absent") approved an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 (6) - Mobile Homes) to maintain a mobile home for a period of one year with removal bond required, in an RS-3 District on the following described tract:

Lot 34, Block 25, Charles Page Home Acres No. 4, to the City of Sand Springs, Tulsa County, Oklahoma.

10030

Action Requested:

Variance (Section 280 - Structure Setback from Abutting Streets - Under the Provisions of Section 1630 - Minor Variances) of the setback requirements to permit the erection of two pole signs 30' from the center-line of 15th Street in a CH District located at 1603 East 15th Street.

Presentation:

Nancy Bloomfield, the applicant, advised she is moving her dress shop to an existing building at the subject location and requested permission as shown on the submitted drawing (Exhibit "G-1") to erect a sign either on the building per plot plan or on a pole. The applicant stated that Dr. Howard Johnson who is building a shopping center behind the subject property is requesting approval for erection of a sign on a double pole for the entire center. The applicant further stated it is understood that if 15th Street is widened, the signs will be moved at no expense to the City. The applicant also stated that if the signs cannot be placed feasibly on the subject structure frontage that the larger sign will be placed parallel to the building at least 10 feet off the ground.

Protests: None.

Board Action:

On MOTION of SMITH, the Board 4-0 (Smith, Jolly, Walden and Purser voting "aye"; Lewis "absent") approved a Variance (Section 280 - Structure Setback from Abutting Streets - Under the Provisions of Section 1630 - Minor Variances) of the setback requirements to permit the erection of two pole signs 30' from the center-line of 15th Street subject to a removal contract in a CH District on the following described tract:

Lot 13, Block 1, Clark's Addition to the City of Tulsa, Oklahoma.

10031

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670) of the rear yard requirements from 20' to 12.2' in an RS-3 District located at 3348 South 120th Place East.

Presentation:

The applicant, Mrs. Sameul L. Hawkins, stated a variance is requested in order to add on to the kitchen and enlarge the den of the subject property on the odd shaped lot which is on a cul-de-sac. Upon questioning from the Board, the neighbors to the west of subject property are aware of and are not opposed to expansion.

Protests: None.

Board Action:

On MOTION of JOLLY, the Board 4-0 (Smith, Jolly, Walden, and Purser voting "aye"; Lewis "absent") approved 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 12.2' in an RS-3 District on the following described tract:

Lot 46, Block 3, Briarglen Extended Addition to the City of Tulsa,
Oklahoma. 7.6.78:264(12)

Action Requested:

Variance (Section 1208 - Multifamily Dwelling and Similar Uses - Off-Street Parking and Loading Requirements - Under the Provisions of Section 1670) of the parking requirements from 150 spaces to 65 spaces for the elderly and handicapped; and a Variance (Section 206 - Number of Dwelling Units on a Lot) to permit more than 40 units on one lot in an RM-3 District located at 1700 Riverside Drive.

Presentation:

Oliver Clay, the applicant, submitted a Plot Plan (Exhibit "H-1") and advised that the triangular shaped property fronting on Riverside Drive will contain 101 units of housing for the elderly and the handicapped. He feels that since most older people cannot afford to own automobiles that the reduction of parking spaces to 54 plus 10 spaces for the handicapped will be more than ample to serve the tenants and their guests.

Upon questioning by the Board, the applicant stated that of the subject 101 units, all are one bedroom apartments, ten of which are for the handicapped; ninety of which are for the elderly; and one for the manager, which meets the recent requirement for HUD financed or subsidized housing as to housing for the handicapped. Regarding the age requirement the tenant must be handicapped or 62 years old or older. Upon further questioning by the Board as to the difference in construction of apartments for the elderly, the applicant named examples such as grab bars and emergency switches in the bathroom, placement of light switches and receptacles, and wider doorways for wheelchairs, height of cabinets, lever type handles on all the doors. It was noted that the tenant must be ambulatory and that the structure is not a nursing home.

Protests:

The Chair noted that a letter of protest had been received from Robert G. and Velma S. Pishel of 1646 South Denver (Exhibit "H-2").

Mrs. James Roop, 1632 South Denver, stressed concern regarding traffic and parking problems during special events on Riverside Drive and also concern if in the future the structure should be sold and no longer operate as housing for the elderly and handicapped.

Mr. Clay advised the project is financed through HUD with a 40-year mortgage, and HUD would have to approve any property use change which he feels is unlikely due to the need of housing for the elderly -- many of our senior citizens are inadequately housed.

Upon questioning by the Chair, Mr. Clay stated that he has owned Tulsa Pythian Manor, 21st Place and 67th East Avenue since it opened in 1969, which is housing for the elderly. Most of the tenants are in their late 60's and early 70's. Of the residents of the 150 units at the Manor, no more than 55 tenants at one time have owned automobiles, and at the present time there are 53. He added that the need for a car is not that great for the elderly -- many church groups provide transportation as well as their families.

10032 (continued)

Mr. Gardner advised the Board that they have the jurisdiction to place restrictions as to use of the structure.

On MOTION of JOLLY, the Board 4-0 (Smith, Jolly, Walden, and Purser voting "aye"; Lewis "absent") approved a Variance (Section 1208 - Multifamily Dwelling and Similar Uses - Off-Street Parking and Loading Requirements - Under the Provisions of Section 1670) of the parking requirements from 150 spaces to 65 spaces for housing for the elderly and handicapped; and a Variance (Section 206 - Number of Dwelling Units on a Lot) to permit more than 40 units on one lot, per plot plan submitted and subject to the restriction that the facility is to be used only as presented by the applicant under the terms of the HUD Agreement as to age and the number of required facilities for the handicapped, in an RM District on the following described tract:

That part of Lot Seven (7) in Section 11, Township 19 North, Range 12 East of the IBM, Tulsa County, Oklahoma, according to the U. S. Government Survey thereof, more particularly described as follows:

Beginning at a point 690' South and 30' West of the NE corner of said Lot 7; thence West 418.04' to a point on the Easterly right-of-way line of South Riverside Drive; thence Southeasterly and along the said right-of-way line and on a curve to the left with a radius of 8,594' a distance of 691.78' to a point 1,215.04' South of the NE corner of said Lot 7; thence North a distance of 195.04' to a point 1,020.00' South of the NE corner of said Lot 7; thence West a distance of 30'; thence North a distance of 330.00' to the point of beginning containing 2.473 acres or 107,723 sq. ft., more or less.

10033

Action Requested:

Variance (Section 1215.4 - Other Trades and Services - Off-Street Parking and Loading Requirements - Under the Provisions of Section 1670) of the number of parking spaces required from 45 spaces to 32 spaces in an IL District located at the 2200 Block of South Jackson Avenue.

Presentation:

Arthur (Gene) Tucker, the applicant, advised that half of his business structure will be utilized for storage, and is therefore asking that the required 45 spaces for parking be reduced to 33 spaces per Drawing (Exhibit "I-1"). He stated that for the past five years the maximum number of parking spaces used has been 17, adding that should the business grow there is additional space behind the building that can be paved and used for parking. He stated that it was not feasible at this time to spend the money for a parking lot when it will not be used.

Upon questioning from the Board, the applicant advised that the total square footage of the structure is 21,000'; 3,000 square feet is utilized for office space, 600 square feet of which is a lunch room for his 30 employees; and a dock area of 1,200 square feet. Mr. Tucker further stated, upon questioning from the Board, that the problem is not space

10033 (continued)

because he can only build on half the land and he has done that already. Upon questioning by the Board as to access to the rear parking, the applicant pointed out on the Exhibit "I-1" drawing, two roads, one of which is owned by Dick Rogers who owns a Litho establishment in the area and if that ownership should change the other road can be utilized.

Protests: None.

Board Action:

On MOTION of JOLLY, the Board 4-0 (Smith, Jolly, Walden and Purser voting "aye"; Lewis "absent") approved a Variance (Section 1215.4 - Other Trades and Services - Off-Street Parking and Loading Requirements - Under the Provisions of Section 1670) of the number of parking spaces required from 45 spaces to 32 spaces per plot plan submitted, in an IL District on the following described tract:

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

10034

Action Requested:

Variance (Section 240.2 (e) - Permitted Yard Obstructions - Under the Provisions of Section 1670 of the size of an accessory building from 750 sq. ft. to 1,348 sq. ft. in an RS-1 District located at 7456 South Oswego Avenue.

Presentation:

The applicant was present. Gary Neal, attorney for the applicant, submitted a Plot Plan (Exhibit "J-1") and Elevation Drawing (Exhibit "J-2") and advised that the proposed structure sits on a rather high hill, providing storm shelter protection at one end, sloping out over the existing hill to the west which is visible only to the house to the north -- the owner of the property to the north is not opposed to the proposed structure, which also is not visible from the road or to any other existing structure.

Upon questioning from the Chair, the structure is to be used for a game room, storage and storm shelter. Upon questioning from the Board, the exterior finish of the proposed structure is to be of rough stone, which is the same as on the existing house and garage, and will have a flat roof; the existing structure, the applicant stated, contains 4,100 sq. ft. and the lot itself is approximately 1 2/3-acre. Upon further questioning from the Board, Mr. Neal stated that it is not the intent of the applicant to later request permission for a home occupation for this facility.

Protests:

The Chair noted the Building Inspector's report (Exhibit "J-3") indicates that the applicant's contractor stated the proposed structure was to be a business venture. Mr. McRight, the applicant, repeated the proposed use of the property as stated by Mr. Neal earlier. Mr. Neal then added that originally the intent was to use a portion of the structure for a home occupation and upon being advised that this would

10034 (continued)

require Board of Adjustment approval it was decided to use the building as stated. Upon further questioning from the Board regarding whether the structure will be used for commercial storage of chair cushions, etc., Mr. Neal repeated the proposed uses as storage of personal items, storm shelter purposes and the portion shown as game room for that purpose.

Board Action and Discussion:

Board Member Jolly noted that the Building Inspector's Office once made aware that an applicant considered a structure for a home occupation will be subject to inspection on a continuing basis.

On MOTION of JOLLY, the Board 3-1 (Smith, Jolly and Purser voting "aye"; Walden voting "nay"; Lewis "absent") approved a Variance (Section 240.2 (e) - Permitted Yard Obstructions - Under the Provisions of Section 1670) of the size of an accessory building from 750 sq. ft. to 1,348 sq. ft. as presented and per plot plan submitted, in an RS-1 District on the following described tract:

Lot 6, Block 2, Town and Country Estates Addition to the City of Tulsa, Oklahoma.

10035

Action Requested:

Variance (Section 330 - Bulk and Area Requirements in the Agriculture District - Under the Provisions of Section 1670) of the setback requirements from 85' to 75' from the center-line of 81st West Avenue in an AG District located at 5657 South 81st West Avenue.

Presentation:

The applicant submitted a pencil drawing (Exhibit "K-1") and advised that the purpose of the request to move the proposed structure forward 10 feet is so that the proposed structure may have a basement and for utilization of the existing septic facilities.

Mr. Smith, the applicant, pointed out the basement level and noted that most of the newer homes located on the east side of 81st Street are 80-100 feet from the building line and one older home is probably 45 feet from the building line, and the subject structure would be placed approximately 10 feet further out than the existing newer homes. Also, Board Member Jolly noted that due to the location of the pond on the property there may be a hardship as to the structure's placement, to which Mr. Smith agreed.

Protests: None.

Board Action:

On MOTION of JOLLY, the Board 4-0 (Smith, Jolly, Walden and Purser voting "aye"; Lewis "absent") approved a Variance (Section 330 - Bulk and Area Requirements in the Agriculture District - Under the Provisions of Section 1670) of the setback requirements from 85' to 75' from the center line of 81st West Avenue per plot plan submitted, in an AG District on the following described tract:

The N/2, N/2, SW/4, NW/4, SW/4 of Section 31, Township 19 North, Range 12 East, Tulsa County, Oklahoma.

7.6.78:264(16)

10036

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 (6) - Mobile Homes) to maintain a mobile home in an RS-1 District located at 5150 South 85th West Avenue.

Presentation:

James Hart, the applicant, advised he wishes to renew his application and will reside in the mobile home on the subject property until such time as he can afford to build on the property in the future.

Protests: None.

Board Action:

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

A tract of land described as beginning at a point 892' North and 30' West of the SE corner of the E/2 of the NW/4 of the NE/4 of Section 36, Township 19 North, Range 11 East; thence North 100'; thence East 300' to the point of beginning, covering surface rights only, Tulsa County, Oklahoma.

10037

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variances) of the rear requirements from 20' to 16' in an RS-3 District located at 10605 East 3rd Street.

Presentation:

A Plot Plan (Exhibit "L-1") was submitted and it was determined by the Board that the requested variance is due to the odd shaped lot.

Protests: None.

Board Action:

On MOTION of JOLLY, the Board 4-0 (Smith, Jolly, Walden and Purser voting "aye"; Lewis "absent") approved a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variances) of the rear requirements from 20' to 16' in an RS-3 District on the following described tract:

Lot 8, Block 5, Wagon Wheel Addition to the City of Tulsa, Okla.

10038

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variances) of the frontage requirements from 75' to 70', in an RS-2 District located at 3214 South Erie Avenue.

7.6.78:264(17)

Presentation:

David Kirst, the applicant, submitted a Plat of Survey (Exhibit "M-1") and advised that he previously lived on the middle portion of the subject property containing three lots; the variance on the 75' frontage occurred when the survey showed that the driveway of the lot in the middle encroached 5' onto the lot to the southwest. Mr. Kirst stated that before he could sell the middle lot the mortgage company required that a portion of the driveway be torn out which was done, at which point he and the buyer agreed that he could either give the buyer the 5' portion or they could get something done at a later time.

Upon questioning by the Chair, Mr. Kirst advised there is only one house and it is located in the middle of the three lots; and as to the requested variances, the setback requirements are for the east side lot, and the frontage requirement from 75' to 70' is for the lot to the west, giving the middle lot an 80' frontage which would allow the driveway to go back in.

Upon further questioning by the Board, the Chair noted and Mr. Kirst was in agreement that regarding the east lot setback requirements, if the side yard requirement could be lowered to 15' he could use up to 40' of setback on the Erie side, in other words asking for a trade-off on setback from the 32nd Place side to the Erie side.

Protests:

Mrs. J. P. Larrabee, 5326 East 33rd Street, stated that she has lived at that location approximately 20 years, and is concerned that the dimensions of the lots will change the characteristics of the neighborhood; danger by obstruction to both traffic and children if allowed to build on the lot to the east; and further create runoff problems.

Upon questioning by the Chair, Staff member Bob Gardner, advised that a lot-split was granted previously and the applicant has the right legally to build three structures on the subject property, so this is not a question here. Mr. Kirst added the property was platted, surveyed and became three lots in 1966.

Jerry Smith 5327 East 33rd Street, stated his concern regarding traffic hazard on the east side of 32nd Place, and prefers to keep the density of the neighborhood at the present level.

Bonnie Truka, 5341 East 33rd Street, agreed with the other protestants.

Board member Jolly noted that the side yard requirement is not an issue because the corner lot is a nonconforming lot. Chairman Purser then noted that for the benefit of the applicant and for the protestants a nonconforming lot is one that was split before 1970 --at that time only a 5' requirement was necessary for the side yard; therefore the variance from 30' to 15' is not an issue, being considered today is the variance of the lot from 75' to 70' because of the driveway problem; the Board cannot consider restrictive covenants.

Mr. Linker, Legal Department, explained the Zoning Code provisions for a lot filed of record, receiving approval of the TMAPC on or before July 1, 1970.

10038

Jack Larabee, 5326 East 33rd Street, was concerned that the variance of 5' would not be sufficient.

Board Action:

On MOTION of JOLLY, the Board 4-0 (Smith, Jolly, Walden and Purser voting "aye"; Lewis "absent") approved a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variances) of the frontage requirements in an RS-2 District from 75' to 70' per Plot Plan submitted, in an RS-2 District on the following described tract:

Lot 21, Block 5, Resubdivision of Yorkshire Estates Addition to the City of Tulsa, Oklahoma.

10039

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 (2) - Home Occupations) to operate a home occupation as an office for a catering service for weddings and parties in an RS-3 District located at 4809 East 46th Street.

Presentation:

Vivian Marston, the applicant, advised that the name on the subject application should be changed from "Leonard" to "Marston". The applicant stated that she and her husband both have full-time jobs and that the home occupation is to consist of primarily coordinating weddings, with the arrangements for flowers, paper goods, photography, etc., made by phone. She further stated the house is on a corner lot facing 46th Street, the door to the office faces Yale, and the driveway has parking space for eight cars, adding that there will be no more than one or two cars parked on the property at one time for business purposes.

Upon questioning from the Chair, the applicant stated the traffic and parking will be that of the bride and groom and their parents. She also stated there will be no delivery trucks as it is planned that all items for the weddings will be picked up by the applicant. Upon further questioning from the Board, the applicant stated that there will be no changes to the interior or to the exterior of the house, as the existing room would be entered from the sunporch through a patio door; there will be no sign; and the applicant and her husband will be the only employees.

Protests:

Tom Henderson, 4710 East 46th Street, submitted a protest petition with 58 signatures (Exhibit "N-1") and stated concern of a business venture coming into the residential area that cannot handle the traffic. He stated that 46th Street is the only exit from seven other side streets; there is a mail box and mail storage box across the street; the subject property is one block north of I-44; there have been four major accidents at the subject corner in the past year; janitorial services have occupied the property in question which created a traffic hazard -- with the driveway full of cars and should a car be parked in front of the residence it is impossible to get around the corner with cars parked on the other side.

7.6.78:264(19)

10039 (continued)

The applicant voiced protest regarding the number of names on the protest petition stating that only 38 people were notified. The Chair noted that some of the signatures may include the wider neighborhood and not just the people within 300'.

Mr. Henderson also stated concern for children in the neighborhood as the school bus picks up the children at the subject corner of 46th and Yale.

Mrs. Marston suggested that the mail box mentioned by Mr. Henderson could be removed.

Roy L. Parks, 4610 South Winston, concerned with a business in the residential area adding to the hazardous traffic situation.

Upon questioning from the Chair, the applicant stated that she has lived at the subject location since May 1, 1978, and that she did not previously operate a home occupation. She added that upon phoning nine residents in the area that only one person was against the home occupation.

Board Action:

On MOTION of SMITH, the Board 4-0 (Smith, Jolly, Walden, and Purser voting "aye"; Lewis "absent") denied an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 (2) - Home Occupations) to operate a home occupation as an office for a catering service for weddings and parties in an RS-3 District on the following described tract:

Lot 21, Block 2, Green Hills Addition to the City of Tulsa, Okla.

10040

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670) of the rear yard requirements from 20' to 14' in an RS-3 District located at 5924 South Quincy Place.

Presentation:

John Watts, the applicant, advised that the subject variance should read from 20' to 10', and stated that the variance is requested in order to add on to the living room of the existing structure, as stated in his letter of application (Exhibit "O-1") and Plat of Survey (Exhibit "O-2").

Upon questioning from the Board, the applicant stated the neighbor to the west is aware and does not object to the proposed plans. Mr. Watts added there is a 6' solid board fence to the west of the subject property; and also that he owns one other duplex in the area with plans to purchase another.

Board Member Smith suggested to the applicant that if this application is approved the subject property be surveyed prior to building to be sure the added on structure is built outside of the easement line.

10040 (continued)

Board Action:

On MOTION of JOLLY, the Board 4-0 (Smith, Jolly, Walden and Purser voting "aye"; Lewis "absent") approved 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' per plot plan submitted, in an RS-3 District on the following described tract:

Lot 9, Block 1, Touche Villa South Addition to the City of Tulsa, Oklahoma.

10041

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of the front yard requirements from 25' to 23.3' in an RS-3 District located at 5514 East 62nd Street.

Presentation:

Charles D. Lee of Lee and Miller Homes, submitted a Plot Plan (Exhibit "P-1") and stated he is the builder and seller of the property located at 5514 East 62nd Street. Mr. Lee further stated that the bank making the loan required a survey and the survey alleges that they are 1 and 7/10 feet in front of the building line.

Protests: None.

Board Action:

On MOTION of SMITH, the Board 4-0 (Smith, Jolly, Walden and Purser voting "aye"; Lewis "absent") approved a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of the front yard requirements from 25' to 23.3' per Plat of Survey, in an RS-3 District on the following described tract:

Lot 4, Block 5, Warrenton Addition to the City of Tulsa, Okla.

10042

Action Requested:

Variance (Section 240.2 (e) - Permitted Yard Obstructions - Under the Provisions of Section 1670) of the 750 square foot requirements for an accessory building to permit a 2,000 square foot accessory building in an RS-3 District located at 3305 West Easton Street.

Presentation:

George Carder, the applicant, submitted a Plot Plan (Exhibit "Q-1") and advised that after beginning to build the subject structure it was discovered that it was oversized. He advised that the structure will be used by his son and will consist of a game room and weight room, and also a 3-car carport with the west end open.

Upon questioning by the Chair, the applicant stated that the proposed facility will not be used for storage of plumbing supplies. Further questioning by the Chair determined that the carport will consist of approximately 750 sq. ft., and the game room will be approximately 1,200 sq. ft.; the game room possibly will house a washer and dryer, be utilized for storage of lawn equipment and working area for an antique car.

Protests:

Paul Brown, 3515 West Easton Street, stated that he does not object to the building of a nice garage, but is concerned because of the size and that it appears to be a commercial type building.

Upon questioning from the Chair, the applicant stated the foundation for the proposed structure has not yet been poured; the proposed structure is to be a pole barn constructed of metal siding. The colors of the structure will be yellow metal siding with a white roof which will match that of the house; however, the house is of vinyl siding. The applicant agreed with Board Chairman Purser that the structure will look like a commercial building, and added that the size of the building could be reduced. Upon further questions from the Board, the applicant stated that he plans no commercial interest with the proposed structure; no overhead doors; a 3' wide door for access with metal windows. The applicant clarified that the antique car will be worked on in the carport portion; and the proposed structure will be larger than the existing house on the subject property.

Mr. Brown stated that the 3 square block area was unplatted until about 5 years ago, and that mostly elderly retired people resided in the area. He stated that he does not object to a structure of reasonable size suitable for the area.

William Martin, 3615 West Easton Street, stated the same concerns as that of Mr. Brown, and added that the structure has been erected. Upon questioning by the Chair regarding a previous question as to whether the foundation had been poured, the applicant advised the facility has been built and there is no foundation.

Board Action:

On MOTION of JOLLY, the Board 4-0 (Smith, Jolly, Walden and Purser voting "aye"; Lewis "absent") approved a Variance (Section 240.2 (e) - Permitted Yard Obstructions - Under the Provisions of Section 1670) of the 750 square foot requirements for an accessory building to permit a 1,500 square foot accessory building maximum, in an RS-3 District on the following described tract:

Part of Lot 1, Section 4, Township 19 North, Range 12 East of the IBM, Tulsa County, Oklahoma, according to the U. S. Government Survey thereof, more particularly described as follows, to-wit: Beginning at a point 848.52' South and 660.71' West of the NE corner of Section 4, T-19-N, R-12-E as the point of beginning; thence West 102.94'; thence North 420.42'; thence East 102.94'; thence South 420.92' to the point of beginning.

10043

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variances) of the frontage and area requirements in an RS-3 District to permit a lot-split located at 5303 East 3rd Street.

Presentation:

Casper Jones of the Staff advised the Board that the Planning Commission did not meet on July 5, however, if the subject variance meets with the approval of the Board the subject case may be approved, subject to the approval of the TMAPC.

Protests: None.

Board Action:

On MOTION of SMITH, the Board 4-0 (Smith, Jolly, Walden, and Purser voting "aye"; Lewis "absent") approved a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variances) of the frontage and area requirements subject to approval of the lot-split by the TMAPC in an RS-3 District on the following described tract:

Lot 5, Block 1, White City Addition to the City of Tulsa, Okla.

10045

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 10' to 9'; and to build across a lot line in an RM-2 District located at 1147 South Quaker Avenue.

Presentation:

Bailey Nicholas advised that David Meriable, the applicant, was unable to attend this meeting. In submitting a Site Plan (Exhibit "R-1") Mr. Nicholas stated there was a structure on the subject property identical to what is proposed now, which burned and the area has since been completely leveled.

Protests: None.

Board Action:

On MOTION of JOLLY, the Board 4-0 (Smith, Jolly, Walden and Purser voting "aye"; Lewis "absent") approved a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variance) of the side yard requirements from 10' to 9'; and to build across a lot line in an RM-2 District on the following described tract:

Lots 29 and 30, Block 3, Orchard Addition to the City of Tulsa, Oklahoma.

7.6.78:264(23)

10046

Action Requested:

Variance (Section 330 - Bulk and Area Requirements in the Agriculture District - Under the Provisions of Section 1630 - Minor Variances) of the frontage and area requirements in an AG District to permit a lot-split located at 109th Place South and Louisville Avenue.

Presentation:

Staff Member Jones advised that the Planning Commission approved the lot-split subject to the approval of the Board.

Protests: None.

Board Action:

On MOTION of JOLLY, the Board 4-0 (Smith, Jolly, Walden and Purser voting "aye"; Lewis "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 and area requirements in the AG District to permit a lot-split (L-14367) on the following described tract:

The North 200' of the West Half of the SW/4 of the SE/4 of the SW/4 of Section 28, Township 18 North, Range 13 East of the IBM, Tulsa County, Oklahoma, according to the U. S. Government Survey thereof.

10047

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variances) of the rear yard requirements from 20' to 16' in an RS-3 District located at 1728 South Columbia Place.

Presentation:

George W. Starch, III, the applicant, advised he wishes to construct an addition onto the back of the existing structure on the subject property, and stated that an identical request has been granted within the immediate area; no back fence neighbors -- his backyard overlooks the completed Broken Arrow Expressway; three private structures have been constructed within the stipulated 12' clearance; and the neighbors to the north and south have expressed their approval for the proposed addition.

Protests: None.

Board Action:

On MOTION of JOLLY, the Board 4-0 (Smith, Jolly, Walden and Purser voting "aye"; Lewis "absent") approved a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variances) of the rear yard requirements from 20' to 16' in an RS-3 District on the following described tract:

Lot 6, Block 2, Wilson View Second Addition to the City of Tulsa, Oklahoma.

Action Requested:

Variance (Section 280 - Structure Setback from Abutting Streets - Under the Provisions of Section 1630 - Minor Variances) of the setback requirements from 50' to 34' from the center-line of 11th Street to permit the erection of a sign in a CH District located at 1901 East 11th Street.

Presentation:

Carol F. Morgan, the applicant, wishes to move a sign from its present location at 724 South Utica to the subject location. The applicant stated that in the event of expansion on 11th Street she and her husband will be willing to move the sign at their expense.

Upon questioning from the Board as to the specific location of the sign, the applicant submitted a photograph (Exhibit "S-1") showing the proposed sign. She stated that the proposed location of the sign is on the NE corner of 11th and Wheeling, 34' from the center of 11th Street.

Protests: None.

Board Action:

On MOTION of SMITH, the Board 4-0 (Smith, Jolly, Walden and Purser voting "aye"; Lewis "absent") approved a Variance (Section 280 - Structure Setback from Abutting Streets - Under the Provisions of Section 1630 - Minor Variances) of the setback requirements from 50' to 34' from the center-line of 11th Street to permit the erection of a sign as presented in a CH District on the following described tract:

Lots 1 and 2, Block 2, Clover Ridge Addition to the City of Tulsa, Tulsa County, Oklahoma.

OTHER BUSINESS:

Plans for Case No. 10011

By Board MOTION, the Board 3-0 accepted a plot plan showing the location of the proposed sign.

Plans for Case No. 8346

Dortha Bates, Building Inspector's Office, raised the question that the building permits do not exactly fit the plot plan as approved. She then asked the Board if they felt another plot plan would be necessary. After discussion, Chairman Purser advised Mrs. Bates to use some discretion and to issue the building permit providing it meets the spirit of the Board approval.

Plans for Case No. 9562

After discussion of the Board and Dortha Bates, Building Inspector, the Board agreed that Mrs. Bates should inform the applicant that in order to obtain approval, the Plot Plan must be changed and resubmitted to the Board.

Plans for Case No. 9992

By Board MOTION, the required Plot Plan was accepted by the Board (3-0).

Communication on Case No. 9949

Staff Member Jones advised that this case will be included in the next agenda.

Interpretation of Zoning Map

The Building Inspectors have requested an interpretation of the Comprehensive Zoning Map on Lots 4, 5, 6, & 7, Block 4, Pouder Pomeroy Second Addition; and Lots 1, 2 and 3, Block 18, Burgess Hill Addition.

In order for the Board to understand the history of the subject property, Staff Member Jones advised that some of the lots in the subject area were zoned by the Board of Adjustment in 1929 (Commercial). In 1943 the Board approved an extension of nonconforming use. It was first zoned U-3 (CH now). The applicant wants to build on the old foundation where a building once stood that has since burned down. The heavy commercial zoning was taken away in 1956 when the Zoning Map rezoned it U-2A.

Dortha Bates stated the Board approved CH zoning on a portion of the Plot Plan, and pointed out that a lot was not approved and they are actually tying a building on and expanding a nonconforming use in another area.

Allan Barrow, representing Daco Construction who bought the subject property after the fire, advised that existing before the fire was an office building that ran the entire distance of the lot ~ the walls of which now are standing, and the warehouse was only slightly scorched. It was metal frame and the metal siding has already been replaced -- basically no damage at all to this building. This was a 2-story building and they are now proposing to limit the size of the building to just this area and leave this open to drive their trucks into the warehouse area -- this will become a 1-story building and they are simply going to put in covered parking in this area. It appears that the entire area was there under a nonconforming use -- not for sure where the CH zoning applies and where the other zoning applies. We are asking to put in a small structure now for office space, leaving the warehouse in tact, and simply putting up a covered parking area -- this will be without any beams underneath it -- it will be just tied onto the existing building and another beam that will be running into the middle of the parking area.

Upon questioning from the Board, Mr. Barrows pointed out on the Plot Plan that the subject structure was all one building, parts of it were 2-story, with plans to put up an open structure for parking, and change a portion of the building from 2-story to 1-story. Mr. Barrows was concerned as to whether it was necessary to go through a CH rezoning process; and whether it is even necessary to go through the special exception.

Upon questioning by the Chair, Dortha Bates, Building Inspector, advised there is 1, 48' lot & 2, 44' lots; the 2, 44' lots were approved by the Board of Adjust.- the lot directly to the north was not in this approval even though it has an existing warehouse, and because of the common wall they are expanding onto the warehouse. The question being, with more than 50% requiring BOA approval is it necessary that they come back in for the whole package? Mrs. Bates further stated that the Board changed the zoning to CH but when the zoning was rezoned it reverted back to RM-1.

After discussion, on MOTION of JOLLY, the Board 4-0 (Smith, Jolly, Walden and Purser voting "aye"; Lewis "absent") agreed by interpretation that this is not an expansion of an existing nonconforming warehouse since the Board previously approved the warehouse, but is merely covered parking and that Daco Construction may rebuild the existing office structure which was also approved previously.

Election of Chairman

With Board Member LEWIS absent, it was decided that the election would be held when all the Board members could be present.

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

Date Approved Sept. 21, 1978

Cathy Purser
Chairman